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REPORT III (B)

INTERNATIONAL LABOUR CONFERENCE
THIRD SESSION
GENEVA, OCTOBER, 1921

REPORT
ON THE
ADAPTATION TO AGRICULTURAL
LABOUR
OF THE WASHINGTON DECISIONS
CONCERNING THE PROTECTION OF
WOMEN AND CHILDREN

ITEM III (B) OF THE AGENDA

GENEVA
INTERNATIONAL LABOUR OFFICE
1921

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PRELIMINARY NOTE.

In the Introductory Note to the Questionnaire sent out by the International Labour Office in connection with each item on the Agenda of the Third Session of the International Labour Conference, it was explained that, when the International Labour Office had received the replies to each Questionnaire and was thereby informed of the opinions of the Governments, it would proceed to draw up a general report together with suggestions for Draft Conventions or Recommendations.

The present volume accordingly contains the replies to the Questionnaires received from the Governments, a general summary of these replies and an indication of the conclusions to which they would appear to lead, and, finally, the texts of a Draft Convention and Recommendations which may serve as a basis for discussion by the Conference.

In this Report are incorporated the replies of the following Governments: Austria, Canada, Denmark, Finland, France, Great Britain, India, Italy, Japan, Netherlands, Norway, Poland, Roumania, South Africa, Spain, Sweden, and Switzerland.

It is intended to include replies of the Governments received subsequent to 23rd July, in a supplementary report which will be distributed later.

In addition to the present Report the International Labour Office will prepare a summary of the available documentary and statistical information relating to this item of the Agenda which will be distributed immediately before the opening of the Conference on the 25th October next.

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INTRODUCTION.

By adhering to the Covenant of the League of Nations the States Members have undertaken "to endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend." The methods and principles to be adopted to this end are set out in Part XIII of the Treaty of Versailles, and include the "protection of children, young persons and women" (Preamble) and "the abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and ensure their proper physical development" (Article 427).

Guided by these principles, the International Labour Conference, at its Session held at Washington in 1919, adopted the following measures with regard to the employment of women and children in industry (in the case of (1) also in commerce) :

- (1) A Draft Convention concerning the employment of women before and after childbirth ;
- (2) A Draft Convention concerning the employment of women during the night ;
- (3) A Draft Convention fixing the minimum age for the admission of children to industrial employment ;
- (4) A Draft Convention concerning the night work of young persons employed in industry.

No discrimination between different categories of wage-earners was intended or made in Part XIII of the Treaty. Agricultural as well as other workers were the subject of full consideration by the Commission on International Labour Legislation set up by the Peace Conference, while the question of the regulation of agricultural labour and its inscription on the Agenda of an early Session of the Conference was on a number of occasions prominently raised by the Washington Conference.

The Governing Body of the International Labour Office carefully examined the various questions concerning agricultural labour which required to be taken into consideration and among these questions it decided, at its meeting of the 25th March, 1920, to include in the Agenda of the Third Session of the Conference that of the adaptation of the Washington decisions concerning women and children to agriculture.

Four Questionnaires, framed in such a way as to elicit opinions as to the advisability or possibility of adapting the four Washington Conventions mentioned above so as to cover agricultural workers, were accordingly drawn up by the International Labour Office and despatched to the Governments. The Questionnaires appear hereafter in the appropriate parts of the Report.

PART I.

PROTECTION OF WOMEN BEFORE AND AFTER CHILDBIRTH.

I. — OPINIONS OF THE GOVERNMENTS IN REPLY TO THE QUESTIONNAIRE.

The terms of the Questionnaire were as follows :

A.—Do you consider it possible that women employed in agriculture should benefit by the measures passed at Washington for the protection of women before and after childbirth ?

B.—To what categories of female agricultural workers do you think that these protective measures should be extended ?

C.—Do you consider that a distinction can usefully be drawn between businesses (*entreprises*) employing only a few women separately, and those which employ female labour in groups of several women ?

The following are the opinions expressed by the Governments in the replies which have been received by the International Labour Office in time for inclusion in this Report. They are arranged under each different heading of the Questionnaire in alphabetical order.

QUESTION A.

Do you consider it possible that women employed in agriculture should benefit by the measures passed at Washington for the protection of women before and after childbirth ?

AUSTRIA.

The reply of the Austrian Government is as follows :

From the point of view of agriculture, there is everything to be said in favour of extending to female agricultural workers the benefits of the Washington Convention, which lays down certain protective measures for women employed in industrial undertakings before and after childbirth.

The following provisions should therefore apply, among others, to female agricultural workers :

- (a) They should not be employed for six weeks after childbirth ;
- (b) They should have the right to leave their work on production of a medical certificate stating that their confinement will probably take place within six weeks ;
- (c) They should, while they were absent from their work, in pursuance of paragraphs (a) and (b), be paid benefits sufficient for the full and healthy maintenance of themselves and their children, provided either out of public funds or by means of a system of insurance ;
- (d) They should be entitled to free attendance by a doctor or certified midwife ;
- (e) They should be allowed the necessary time for nursing their children.

CANADA.

The Government of Canada replies as follows :

The number of women employed in agriculture in Canada is very small ; no good purpose would be served therefore by the legislation proposed so far as Canada is concerned.

DENMARK.

The Danish Government replies as follows :

Women in Denmark are now only exceptionally engaged in permanent agricultural work, setting aside milking, which is performed by a number of women with four or five working hours daily.

The better wages nowadays for agricultural labourers, and the understanding that the home also offers the right working field for the wives of agricultural labourers, have, on the whole, limited women's participation in agricultural work, in the true sense of the word, to certain seasons. Of greatest importance in this respect is the work in the beet fields, because female labour, on an average, performs at least the same amount of work as male labour, and the wages for work in the beet fields are specially high.

But the work in question is always piece-work, and, as a rule, the worker undertakes the looking after a certain area of beet, that is, contract for the thinning, weeding, and subsequent pulling.

It will be seen, however, that under the conditions described here, rules for the protection of women before and after confinement would not answer the purpose, but would, in the main, entirely prevent the women to whom they were applicable from a share in the work in question, and the same would be the unavoidable result of such rules for women's participation in seasonal work of other kinds, which as a rule is limited to a short period,—a few weeks' participation in harvesting and thrashing respectively.

FINLAND.

The Government of Finland replies as follows :

In Finland married women are seldom employed on agricultural work. The Draft Convention passed at Washington would call for certain modifications, should it be applied to agriculture.

For instance, in the cases covered by Article 3, paragraph (b) of the Washington Draft Convention, a woman should be authorised to leave work four weeks only before childbirth, or earlier on production of a medical certificate to the effect that stoppage of work is necessary.

Article 3, paragraph (c) is about to be applied in Finland where general maternity insurance is being considered at the same time as general sickness insurance. It is, however, doubtful whether it will be possible to consider such a high rate of assistance as that provided for in this paragraph of the Washington Draft Convention, in view of the fact that the guaranteeing of such assistance would entail unlimited ex-

pense. The stoppage for the purpose of nursing the child provided for in Article 3, paragraph (d) is somewhat arbitrary, it is often insufficient and if imposed in a rigid manner may cause inconvenience in agricultural work. For this reason the recommendation should simply stipulate in a general manner that working mothers should be allowed to stop work to nurse their infants.

The principle laid down in Article 4 is justified. It is proposed to apply this Article in Finland in so far, that the employer shall not have the right to dismiss a worker when the period of absence does not exceed the total of the periods mentioned in Article 3, paragraphs (a) and (b), by more than the period of absence agreed upon in the contract of engagement, or, in the absence of any agreement on this subject, by more than two weeks.

It is suggested that any decision taken in this connection should be in the form of a Recommendation.

FRANCE.

The French Government considers that it is possible to extend the Washington Convention concerning the employment of women before and after childbirth in industrial and commercial undertakings to women employed in agriculture.

GREAT BRITAIN.

The following reply has been received from the British Government :

The value of the principles underlying the Washington Convention concerning the employment of women before and after childbirth is fully recognised, but the Government have not seen their way to ratify the Convention in view of the very heavy cost which would be involved in giving literal effect to its provisions — a cost which it is considered would not be justifiable in view of the fact that the principles underlying the Convention are already secured in Great Britain by existing legislation.

The National Health Insurance Acts of Great Britain

provide benefits in respect of maternity in excess of those provided by any other country except Australia and New Zealand. Under those Acts every employed married woman is entitled, subject to contributions, to a maternity benefit of £4 on confinement. A single woman receives a maternity benefit of £2 and the uninsured wife of every insured man receives £2. The total sums so paid amount to £2,250,000 per annum, of which the State contributes £500,000. In addition, sickness benefit at the rate of 12/- a week is paid to employed women while incapable of work during pregnancy and after confinement, except during the period of four weeks immediately following confinement, which is covered by the maternity benefit. Further, an insured woman who gives up work about the time of her marriage is entitled to a modified sickness benefit and to one maternity benefit (the cost of which is about £250,000 a year in the aggregate) on her confinement within two years of her marriage. Employed women are also entitled to medical benefit, *i. e.* medical attendance and treatment, including medicines, but such benefit does not include the right to medical attendance in respect of confinement.

Under the Maternity and Child Welfare Act, 1918, the Government encourages and aids financially schemes of local authorities and voluntary agencies for protecting the health of expectant and nursing mothers and children under four. The schemes include, among others, the following services which are designed to secure to mothers the benefits contemplated by the Convention : antenatal clinics, home visiting of expectant mothers, the services of a midwife and in emergencies of a doctor, accommodation at a maternity home, hospital treatment of complications arising after parturition, accommodation at a convalescent home, and the supply of milk when needed. In addition, infant welfare centres are available for consultation on matters affecting the health of the child, supplemented by treatment centres and hospital provision.

The benefits of these services, which are provided free or at small cost according to circumstances, are not confined to a single class of insured persons but are intended to be available to all who are in need of them. It is considered that this system is a more direct and efficient method of protecting the health of women before and after childbirth than the measures passed at Washington.

INDIA.

The Government of India replies as follows :

The Government of India consider that it is not practicable to apply the Washington Convention relating to the protection of women before and after childbirth to agricultural workers in India.

ITALY.

The Italian Government replies as follows :

In Italy a draft Bill drawn up by the Commission on Compulsory Sickness Insurance contains the following clause : —
“ Insured women shall abstain from work during the six weeks immediately preceding childbirth and the first six weeks following childbirth, and shall be entitled to benefit at the rate allowed in the case of sickness. Such benefit shall, moreover, be payable for such longer period of abstention from work as a doctor may prescribe. ”

This provision, which will certainly be included in the Bill which the Minister of Labour will shortly present to Parliament, and which will apply to agricultural women workers, will settle in an affirmative sense, as far as Italy is concerned, the question as to whether the decisions adopted at Washington for the protection of women before and after childbirth should be extended to women in agriculture. Obvious reasons of humanity and justice tend to support this solution, to which there seems to be no serious objection of a technical nature.

JAPAN.

The Japanese Government states that the matter is under consideration.

NETHERLANDS.

Note : The Netherlands Government, in communicating the replies to the Questionnaires, desired to remark that these replies represent the standpoint adopted by the Ministry concerned in relation to the subjects covered. The Government, however, reserves the right to depart from that standpoint when dealing

with Draft Conventions and Recommendations which may result from the Conference.

The reply is as follows :

The following must be clearly distinguished in connection with the Washington Draft Convention concerning the employment of women before and after childbirth : —

- (a) The provisions relative to the duration of work and prohibition of work, those relative to the duration of work during a certain period before and after childbirth and those concerning women who nurse their children in special rest-periods during working hours (Art. pars. 3 (a) (b) and (d) of the Convention);
- (b) The provisions relative to sickness benefit and medical benefit (Art. 3 par. (c) of the Draft Convention) ;
- (c) The provisions relative to the labour contract (Art. 4 of the Draft Convention).

With regard to (a) and (c) above, the first point is, or will be, regulated by the law concerning the labour of women workers as far as those employed in industrial undertakings are concerned. The law does not apply to agriculture. However, a Bill is being prepared which will limit the working day of agricultural workers.

Should the Chambers approve the Washington Draft Convention concerning the employment of women before and after childbirth, the Government would have no objection in principle to the extension to agricultural workers of provisions similar to those made for industrial workers.

It should, however, be noted that it is not intended to apply the “ Law concerning Agricultural Labour ” (*Landarbeiderswet*) mentioned above, to indoor women workers whose duties are largely carried on in the house of the employer. In such cases the law will not apply.

The same holds good with regard to (c).

With regard to the second group of provisions (see (b) above) these concern health insurance (*Ziekwet*,—Collection of Laws, 1913, No. 204). This law, which has not yet come into force, applies to all wage-earners and consequently to agricultural workers.

The provisions of the *Ziekwet* do not at present correspond entirely with the Washington Draft Convention con-

cerning the employment of women before and after childbirth, but a Bill which is in course of preparation is intended to effect agreement. The provisions in question will apply to women employed in agriculture.

It follows from the preceding facts that the reply to Question A is largely in the affirmative.

However, it should be noted that a diversity of opinion exists in the Netherlands as to whether the position of the unmarried woman should be the same as that of the married woman in the matter of medical attendance and benefit during pregnancy and after confinement, also as regards the way in which benefit should be given. On this point the Netherlands have not yet come to a final decision.

NORWAY.

Note: The Norwegian Government states that the replies have been formulated by a Committee of persons composed of the Delegates and Technical Advisers to the Conference and of other persons with expert knowledge of the questions at issue, and that the Government is not in a position to give its final opinion upon the various questions asked.

The reply of the Committee runs as follows :

We are agreed that women—both married and unmarried—ought to be afforded the requisite protection before and after childbirth. According to the provisions of the Sick-ness Insurance Act, female members of the sick-fund are granted sick-pay two weeks before and six weeks after confinement.

It has been suggested that the prohibition against work for women shall apply in agricultural employment, as it does in industry, for the first six weeks after confinement, as the six weeks period has been chosen for hygienic reasons.

POLAND.

The Government of Poland states :

The adoption of measures concerning the protection of women before and after childbirth meets with greater difficulties in agriculture than in industry. As conditions of

life and work are more healthy in agriculture, a cessation of work during six weeks is not necessary. Nevertheless, this measure of protection should be granted to women for at least four weeks.

ROUMANIA.

The Roumanian Government considers that it is only possible to extend the Washington Convention to persons engaged for long periods, *e.g.*, dairy-maids, farm-servants, etc.

SOUTH AFRICA.

The Government of South Africa states that in South Africa white women are not employed in agriculture and that therefore no reply to the Questionnaire is necessary.

SPAIN.

The Government of Spain states that in its opinion women employed in agriculture should benefit by the terms of the Washington decisions concerning the employment of women before and after childbirth.

SWEDEN.

The Swedish Government states :

Although no objection in principle may be raised, so far as Sweden is concerned, against the proposed extension of the Draft Convention to agriculture, yet it is necessary, for the present, to take up a waiting attitude in view of certain enquiries that are now going on touching the need of such a long period of protection as that which is now put forward, and touching the probable effects of the protection of motherhood with regard to various branches of industry.

SWITZERLAND.

The Swiss Government replies as follows :

Undertakings in which only members of the same family are employed are specially excepted in the Washington Conventions concerning the employment of women and children in industry. The distinction thus established between undertakings employing only members of the same family and those employing outside labour is equally necessary in agriculture. Family agricultural undertakings are the rule in Switzerland and the women and children working in the fields are members of the family of the farmer or at any rate belong to the category of servants who share the conditions of living and work of the employer himself. There is, therefore, no question of international regulation.

The Federal Council, in its message of the 10th December, 1920, to the Federal Assembly, while recognising that the idea of maternity protection is fully justified, nevertheless proposes that the Chambers should not adhere to the Washington Convention concerning the employment of women before and after childbirth. It laid special stress on the fact that the public authorities could not, particularly at the present moment, assume the burden of the expense which would result from granting assistance and from other outlay necessitated by the Convention, and that the sole method of obtaining the necessary resources was the institution of maternity insurance.

The question of the introduction of maternity insurance is being studied at the present time conjointly with the question of the revision of sickness and accident insurance. The question of its extension to agriculture is also being examined from the point of view of its application, not only to employed women, to persons dependent on an employer for their work, but also to women independent of an employer. The circumstances of a large number of the latter call in quite as urgent a manner as those of employed women for protective measures with regard to maternity.

In the present circumstances, therefore, it is not possible for Switzerland to agree to the proposed extension to women employed in agriculture of the measures voted at Washing-

ton for the protection of women before and after childbirth.

* * *

QUESTION B.

To what categories of female agricultural workers do you think that these protective measures should be extended ?

AUSTRIA.

The reply of the Austrian Government is as follows :

For reasons of economy, some distinction might be made between the various classes of female agricultural workers and between agricultural undertakings which only employ a few women, and those where large groups of women are employed.

On the other hand, female members of the family of the employer who work for him by contract for a money wage in the same way as persons not belonging to the family must be counted as agricultural workers.

FINLAND.

The Government of Finland replies as follows :

These protective measures (from which should be excepted paragraphs (c) and (d) of the Washington Convention) should be applied only to persons working constantly or habitually.

FRANCE.

The French Government considers that all classes of agricultural women workers should be covered by any protective measures taken.

GREAT BRITAIN.

The British Government replies as follows :

Any Convention should apply to all wage-earners engaged under contract of service.

ITALY.

The reply of the Italian Government runs as follows :

No distinction should be made between the various categories of women workers, all of whom should benefit by the provisions in question. It should be left to the various national legislations to determine the method of application. The amount of the insurance contributions should vary according to whether the workers concerned are engaged for wages or on a co-partnership basis.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

It seems desirable to extend measures for the protection of women before and after childbirth to all categories of women wage-earners in agriculture, including both permanent and casual workers.

The *Ziektewet* does not at present apply to casual workers. The draft modifying Bill referred to in answer to Question A (*See page 16*) proposes to extend the scope of the law so as to cover casual workers.

NORWAY.

See note under Norway, page 16.

The reply of the Committee is as follows :

The provisions should, if adopted, apply to all women who can be regarded as regular paid workers in agriculture.

ROUMANIA.

The Roumanian Government considers that it is only possible to extend the Washington Convention to persons engaged for long periods, *e. g.*, dairymaids, farm-servants, etc.

SPAIN.

The Government of Spain replies as follows :

The protective measures to be adopted in this case should be extended only to the two following categories :

- (a) women workers employed permanently in an undertaking ;
- (b) women workers who do not form part of the family of the cultivator.

SWEDEN.

The Swedish Government replies as follows :

As it is thought undesirable at present to take any definite step, so far as Sweden is concerned, concerning the measures proposed with regard to the extension to agriculture of the Washington measures for the protection of women before and after childbirth, there is no reason for the present to enter into the question here set out touching what women engaged in agriculture should be affected by any possible legislation on this subject.

SWITZERLAND.

See reply to Question A, page 18.

* * *

QUESTION C.

Do you consider that a distinction can usefully be drawn between businesses (*entreprises*) employing only a few women separately, and those which employ female labour in groups of several women ?

AUSTRIA.

The reply of the Austrian Government is as follows :

For reasons of economy, some distinction might be made between agricultural undertakings which only employ a few

women, and those where large groups of women are employed.

On the other hand, female members of the family of the employer who work for him by contract for a money wage in the same way as persons not belonging to the family must be counted as agricultural workers.

FINLAND.

The Government of Finland replies as follows :

As far as Finland is concerned, no difference should be made between the various undertakings according to the number of women employed.

FRANCE.

The French Government considers that no difference should be made between undertakings employing a few isolated workers and those employing women in groups.

GREAT BRITAIN.

The British Government consider that no distinction can usefully be drawn between businesses (*entreprises*) employing only a few women separately, and those which employ female labour in groups of several women.

ITALY.

The Italian Government replies as follows :

Provided employment is permanent and not casual, women workers employed separately should also be subject to insurance.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

It is not necessary to make a distinction between undertakings employing only a few women separately and those which employ large numbers of women workers, either as regards the provision concerning work or those concerning benefit and medical attendance.

NORWAY.

See Note under Norway, page 16.

The reply of the Committee is as follows :

It is not considered that any distinction can be drawn.

POLAND.

The Polish Government replies as follows :

It is not necessary to draw a distinction between undertakings which employ only a few women separately and those which employ female labour in groups.

ROUMANIA.

The Roumanian Government considers that no difference should be made between undertakings employing a few women separately and those which employ female workers in groups.

SPAIN.

The Spanish Government replies as follows :

It is not necessary to make any distinction amongst the women whom it is desired to protect, and whose rights in every case are identical.

SWEDEN.

See reply to Question B, page 21.

SWITZERLAND.

See reply to Question A, page 18.

2. — GENERAL SURVEY OF THE QUESTION IN THE
LIGHT OF THE REPLIES OF THE GOVERNMENTS.

It will be seen that the replies of the Governments indicate great diversity of opinion on the question of the extension to women employed in agriculture of the Washington Draft Convention regarding the employment of women in industry and commerce before and after childbirth. While it is generally recognised that such an extension is a desirable measure, if only on grounds of justice, and while the majority of Governments are, in fact, in favour of the principle of protection, difficulties arise in the practical application of the principle. These difficulties are of the same kind as those which occur in connection with its application in industry and commerce, and which have, up to the present, prevented a general ratification of the Washington Convention. They are due, in the main, to the variety of ways in which the protection of maternity has been approached in different countries, resulting in widely differing regulations, and to the very large financial expenditure involved in carrying out the provisions of the Convention. In the case of certain Governments which have adopted, or are considering the adoption of, general sickness insurance schemes which include maternity insurance, (*e.g.*, Finland, Great Britain, Switzerland), the separate consideration of a particular class of workers or the granting of benefits in the particular form laid down in the Washington

Convention, has been found to cut across the general scheme or to entail too great a financial burden, especially when these benefits are additional to already existing forms of assistance (*e.g.*, Great Britain).

Only two of the sixteen Governments which have furnished replies to the Questionnaire are unconditionally favourable to the extension of the Washington Convention to agriculture. The remainder are unfavourable or make important reservations. The fact that the working conditions and physical strength of women employed in agriculture are very different from those of women employed in industry has led the Governments of Finland and Poland to suggest that the period of abstention from work preceding confinement might be shortened to four weeks, a reduction which the Polish Government would make also in the case of the period following confinement. There are, however, very little data as to the period of rest which is essential under varying conditions, and pending further research, it is doubtful whether a reduction in the particular case of agricultural workers could be logically justified.

The provision of benefits in the precise form prescribed in the Washington Convention proves a stumbling-block in several cases. The difficulties encountered by the British Government in this connection have already been mentioned. The Government of Finland considers that the maintenance benefits provided would be too costly and that the provision concerning an allowance of half an hour twice a day for the purpose of nursing is too rigid.

The Dutch Government is doubtful as to whether the same assistance should be accorded to married and unmarried mothers.

The Swedish Government has no objection in principle to the extension of the Washington Convention, but adopts no definite attitude pending the completion of enquiries which are being carried out in Sweden in connection with maternity questions. The Governments of Canada and South Africa confine themselves to a purely national view of the question, and state that as practically no women (in the case of South Africa, no white women) are employed in these countries in agriculture, the matter is of no interest to them.

As regards India, it may perhaps be recalled that it was recognised by the Commission on the Employment of Women at the Washington Conference, that the position of India with regard to the protection of maternity was peculiar, since, owing to national custom and tradition, no need for the prohibition of the employment of women before and after childbirth appeared to arise. As, however, the Indian representatives on the Commission expressed their opinion that this question and that of maternity benefit should be made the subject of study in relation to India, a resolution was put forward to, and passed by, the Conference, requesting the Government of India to make a study of these two questions and to report to the next Conference. This report has been received and will be distributed to the Conference.

The majority of Governments are of opinion that

any measures of protection should only apply to regular wage-earners in agriculture, and that no difference should be made between agricultural undertakings employing only a few women separately and those employing female labour in groups. It is, however, of interest to note that the Swiss Government, while hostile to the extension of the Washington Convention, specially points out that the circumstances of many women independent of an employer call in quite as urgent a manner as those of employed women for protection in childbirth.

The above analysis of the replies seems to indicate that, as a basis for discussion, it would be advisable to submit proposals in less detailed and definite terms than those embodied in the Washington Convention, and that a Recommendation, which, while upholding the general principles embodied in the Washington Convention, would render it possible for each country concerned to determine the most appropriate means of carrying them into effect, would best meet the case. The draft Recommendation which appears below is therefore submitted for the consideration of the Conference.

3.— TEXT OF A DRAFT RECOMMENDATION CONCERNING
THE PROTECTION BEFORE AND AFTER CHILDBIRTH
OF WOMEN WAGE-EARNERS IN AGRICULTURE.

The International Labour Office submits the following draft Recommendation for consideration by the Conference:

The General Conference recommends that each Member of the International Labour Organisation take measures to ensure to women wage-earners employed in agricultural undertakings protection before and after childbirth similar to that provided by the International Draft Convention adopted by the International Labour Conference at Washington for women employed in industry and commerce, and that such measures should include the right to a period of absence from work before and after childbirth and to a grant of benefit during the said period, provided either out of public funds or by means of a system of insurance.

PART II.

NIGHT WORK OF WOMEN IN AGRICULTURE.

1. — OPINIONS OF THE GOVERNMENTS IN REPLY TO THE QUESTIONNAIRE.

The terms of the Questionnaire were as follows :

A.—Do you consider that the Draft Convention adopted at Washington as regards the employment of women during the night should be adapted to cover the case of women employed in agriculture ?

B.—By what measures, with what modifications, and to what extent do you consider that the Draft Convention regarding employment of women at night, which was adopted at Washington and which was largely identical with the Berne Convention of 1906, should be applied, if at all, to agricultural workers ?

C.—What meaning, in your opinion, should be attached to the term " night " when applied to agricultural labour, and what hours should constitute the period so described ?

D.—To what categories of agricultural women workers do you consider that such a Convention should apply ?

E.—What measures of control would you suggest in case of such a Convention ?

The following are the opinions expressed by the Governments in the replies which have been received by the International Labour Office in time for inclusion in this Report. They are arranged under each different heading of the Questionnaire in alphabetical order.

QUESTION A.

Do you consider that the Draft Convention adopted at Washington as regards the employment of women during the night should be adapted to cover the case of women employed in agriculture ?

AUSTRIA.

The Austrian Government considers that the provisions of the Washington Convention concerning night work for women can be applied to female agricultural workers with certain limitations. (*See reply to Question B, page 36.*)

CANADA.

The Government of Canada replies as follows :

The number of women employed in night work in agriculture in Canada is very small ; no good purpose would therefore appear to be served by the legislation proposed.

DENMARK.

The Danish Government replies as follows :

Practically speaking, night work for women is unknown on farms in Denmark, setting aside the few cases when milking is begun in the morning before 5 o'clock, that is, before the hour fixed by the Washington Conference as the limit between night and day work.

However, it is very common that the daily milking work starts half an hour or one hour before the hour stated. This is often done because otherwise it would not be possible to get the fresh milk to town in time for delivery. But also in many other cases such early start of the milking is preferred. The two milkings during the twenty-four hours ought to take place with just twelve hours' interval. The earlier the milking in the morning begins, the earlier may the milking

in the afternoon take place, and the earlier is, of course, the day's milking work at an end. An arrangement which makes this possible will in many cases be preferred by the milking staff, so that rules which were a hindrance to this would cause dissatisfaction, and are therefore not to be recommended.

Owing to the necessity for beginning milking work at 4 o'clock in the morning and for the regular performance of the two milkings in a day and night, it is impossible to introduce more than nine hours' consecutive rest.

FINLAND.

The Government of Finland replies as follows :

Night work, properly so-called, is not performed in agriculture in Finland ; the question of the regulation of night work has, therefore, little interest.

FRANCE.

The French Government considers that there is no necessity to regulate the night work of women in agriculture in France, and in any case, cannot examine the question as it has requested the deletion of the question of the limitation of hours of labour in agriculture from the Agenda of the Conference.

GREAT BRITAIN.

The British Government states :

Women are not commonly employed on night work in agriculture in the United Kingdom except in so far as certain types of work may be commenced at very early hours in the morning. Such employment is not in any way similar to night employment in industry, and does not appear to be injurious to health or otherwise of a nature which makes it necessary to apply the Washington Convention to the case of women employed in agriculture.

INDIA.

The Government of India replies as follows :

The Government of India consider that no action is necessary in this respect.

ITALY.

The Italian Government replies as follows :

The question of the night work of women in agriculture has no importance for Italy, since this only occurs in rare cases. Among the most important of such cases is that of cleaning rice ; a special law concerning rice culture provides for the prohibition of night work.

The Government of Italy, however, is not opposed to the adoption of a Draft Convention for the prohibition of night work of women in agriculture, if this can be shown to lead to the protection of women workers in other countries, and provided that the necessary emendations are made in the Washington Draft Convention.

JAPAN.

The Japanese Government states that the matter is under consideration.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

Generally speaking, night work in the sense in which the term is accepted in industry may be said to be unknown in agriculture. Every kind of agricultural work is practically dependent on daylight.

There is no need to employ women between 10 a. m. and 5 a. m. on any regular agricultural work other than that of milking cows in the early morning. Owing to the fact that conditions in industry and agriculture are radically different it is not desirable that the Washington Draft Convention should be applied without modification to agricultural work.

NORWAY.

See note under Norway, page 16.

The reply of the Committee runs as follows :

The question is of no special importance for Norway, a night work in agriculture, practically speaking, does not exist. There hardly seems to be any reason for recommending international regulations on this point.

POLAND.

The Polish Government replies as follows :

Practically no night work is performed by women in agriculture. The Washington Convention should therefore be adopted, with the proviso that the term "night" should be taken as the hours between 9 p. m. and 4 a. m., on account of the necessity of milking cows.

ROUMANIA.

The Roumanian Government considers that there is no occasion to extend the Washington Convention concerning the night work of women to women employed in agriculture, except in the case of farm servants, and, generally speaking, of agricultural workers engaged for long periods who remain overnight at the farms. The Government is prepared to take such measures as are rendered necessary by the number of such persons and their conditions of service.

SOUTH AFRICA.

The Government of South Africa states that in South Africa white women are not employed in agriculture and that therefore no reply to the Questionnaire is necessary.

SPAIN.

The Spanish Government considers that the Draft Convention adopted at Washington concerning the employment of women during the night should be adopted in the case of women employed in agriculture, with the reservations given in its reply to the various points of the Questionnaire.

SWEDEN.

The Swedish Government replies as follows :

Night work, in the proper sense of the term, does not occur in Swedish agriculture, if we ignore the practice, found especially in the northerly parts of the country, of assigning the hay-cutting work, etc. to the light nights and using the hot mid-day hours for rest. On the other hand, early morning work is by no means uncommon, particularly with regard to the tending of animals. Especially in places where the milk has to be sent to distant places of consumption, the work of the people engaged in milking must in certain cases begin as early as 4 a. m., and even earlier. According to the National Agreement holding good for agriculture from 1919, work performed during the period between 9 p. m. and 5 a. m. is regarded as night work, but the compensation laid down in connection with this (50 % more than the fixed overtime payment) does not apply to cattlemen and milkmaids, who are not entitled to especial compensation for the work which is devoted to the management and care of animals at times other than the ordinary working hours.

If proper attention be paid to the circumstances thus enumerated, there seems to be scarcely any objection in principle against an extension of the Convention passed at Washington concerning women's work during the night so as to apply to agriculture.

SWITZERLAND.

The Swiss Government replies as follows :

The regulations concerning the conditions of agricultural labour in Switzerland, except for the provisions relative to

sickness insurance and accident insurance, are still within the competence of the Cantons. The Federal Constitution as framed at present does not authorize the Confederation to pass legislative measures concerning night work of women in agriculture. Consequently, it would not be possible for Switzerland to adhere to an international convention on this question.

Further, undertakings in which only members of the same family are employed are specially excepted in the Washington Conventions concerning the employment of women and children in industry. The distinction thus established between undertakings employing only members of the same family and those employing outside labour is equally necessary in agriculture. Family agricultural undertakings are the rule in Switzerland and the women and children working in the fields are members of the family of the farmer or at any rate belong to the category of servants who share the conditions of living and work of the employer himself. There is, therefore, no question of international regulation.

The nature of the work and the localities in which it has to be done render agricultural work unsuitable for night work. It might even be said that, except in urgent cases, it is not carried on. Further, women are not employed in large groups in agriculture. In the majority of cases they perform the functions of domestics, of servants attached to the family of the farmer. Therefore, there is no necessity to apply international regulations concerning night work to these women whose employment does not cause the undertaking to lose its character as a family undertaking. Further, such rules necessitate measures of control. Adequate control in this connection is an impossibility. We are, therefore, of opinion that there is no necessity to adapt the Washington Draft Convention concerning the employment of women during the night to women employed in agriculture.

* * *

QUESTION B.

By what measures, with what modifications, and to what extent do you consider that the Draft Convention regarding employment of women at night, which was adopted at Washington and which was largely identical with the Berne

Convention of 1906, should be applied, if at all, to agricultural workers ?

AUSTRIA.

The reply of the Austrian Government is as follows :

The provisions of the Washington Convention concerning night work for women can be applied to female agricultural workers, with the following limitations.

During the time when there is most work to be done, *i. e.* at least during the months of July and August, it should be allowable to shorten the nightly rest to nine hours.

In spite of the provision concerning a nightly rest of ten hours, the early morning and late evening work which is necessary at certain seasons, and forms part of the work contracted for, should be allowed even if it fall between 10 p.m. and 5 a.m.

In exceptional circumstances, for example, when storms are expected or when there are other disturbances of the elements, or when there is danger to the cattle, the harvest, etc. it must obviously be permissible to diminish the nightly rest.

DENMARK.

See reply to Question A, page 30.

GREAT BRITAIN.

The British Government replies as follows :

If special provision were made for the performance of essential early-morning employment in agriculture, *e. g.* by the amendment of the definition of "night" in the Washington Convention so as to admit of work in the early hours of the morning, and provided necessary exceptions were permitted to meet cases arising in connection with the tending of livestock, calving, lambing etc., the Government would give favourable consideration to a Convention on the lines of that adopted at Washington.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

It will be necessary to allow exceptions for the early morning work referred to in reply to Question A (*See page 32.*). Where night work is performed, it will be necessary to make exceptions for the wife, children (above a fixed age) and the relatives of the head or manager of an agricultural undertaking.

POLAND.

See reply to Question A, page 33.

ROUMANIA.

See reply to Question A, page 33.

SPAIN.

The Spanish Government's reply is as follows :

Night work scarcely exists in agriculture, therefore this question is only of relative importance, the more so since women are employed far more rarely than men during the night. In any case, if it is proposed to consider prohibition in this connection, the following exceptions should be taken into account :

(a) Work in sericulture which necessitates the night work of women.

(b) Work performed by women who are members of the family of the cultivator.

(c) Cases of urgent work in connection with harvesting, (*e. g.*, to avoid deterioration of crops) in which it is necessary to reduce the period which is understood by the term "night" in Question C, subject to the reservation in (d) below. These exceptions apply especially to the saffron, olive and grape harvests and to the threshing of grain, work in which numerous women are employed, and, generally speaking, to all employment concerned with getting in the harvests.

(d) During those periods and in those districts in which the climate renders work more trying during the day, above all, for harvest work, the hours fixed in reply to Question C. as coming within the term "night" might be reduced, provision being made for a compensatory rest period during the day.

SWEDEN.

See reply to Question A, page 34.

* * *

QUESTION C.

What meaning, in your opinion, should be attached to the term "night" when applied to agricultural labour, and what hours should constitute the period so described ?

AUSTRIA.

See reply to Question B, page 36.

DENMARK.

See reply to Question A, page 30.

FINLAND.

The Government of Finland replies as follows :

If it is considered necessary to make night work of women in agriculture the subject of international regulation, the following points should be taken into consideration :

The provision of the Washington Draft Convention which prescribes a period of rest at night of eleven consecutive hours cannot be applied to agricultural work ; in this case it would be necessary to fix a shorter rest period, preferably from 9 p. m. to 4 a. m. Although the night period of rest thus becomes shorter than is the case in industry, it must be borne in mind, on the other hand, that the work of attending to animals is not continuous. Further, the prohibition prescribed in the recommendation need not be absolute, but night work in certain cases would have to be permitted in agriculture, at least during the summer, when by reason of the heat and the flies, day work is much more trying than night work. It is proposed that in this case the decisions should take the form of Recommendations.

GREAT BRITAIN.

See reply to Question B, page 36.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

Taking into account work which must be performed during the hours of early morning, the period between 9 p. m. and 3 a. m. might, in all cases, be included in the term "night" ; or, if exceptions are allowed, the period between 9 p. m. and 4 a. m.

POLAND.

The Government of Poland states :

The term "night" when applied to agricultural labour should be considered to mean the hours between 9 p. m. and 4 a. m. on account of the necessity of milking cows.

ROUMANIA.

The Roumanian Government replies as follows :

The term "night" in connection with agricultural labour should be taken to mean the period between twilight and dawn.

SPAIN.

The reply of the Spanish Government is as follows :

Although the current and accepted interpretation of the "agricultural day" includes the period from sunrise to sundown, the term "night" cannot be applied to the whole of the period during which the sun is not visible above the horizon, owing to the periods of "dawn" and "twilight" which are more or less prolonged in different latitudes. Consequently, the term "night" is here to be understood as meaning the absence of sunlight or twilight, although there may be light enough, during periods of full moon, to permit work to be performed.

Except in equatorial latitudes where the length of the day equals that of the night, it would serve no purpose to divide the twenty-four hours which the earth takes to turn on its axis into two parts. In any case, in most latitudes the duration of the night, and therefore the number of hours which it includes, varies according to the season of the year.

SWEDEN.

The Swedish Government replies as follows :

As the collective agreements in force in large-scale agriculture in the centre and south of Sweden usually place the working hours for agricultural work proper between 7 a. m. and 7 p. m. and by "night" mean the space of time between 9 p. m. and 6 a. m., there seems to be no difficulty in principle in the way of Sweden's approving the definition of the Washington Convention, by which the term "night" means a space of time of at least 10 or 11 continuous hours in which is included the time from 10 p. m. to 5 a. m. But provision should be made for exceptions in view of the fact that the necessary care of the animals can scarcely, for the most part, permit of such a long period of unbroken night rest for the workers concerned with it as that just stated, and especially that the work of milking, which is mainly carried on by women, would seem in certain cases to call for very early morning work. It must also be pointed out that, owing to the varying length of the summer day in different parts of the country, the same hour by the clock by no means stands for the same thing in the working day in the northern as in the southern parts of the country,— a fact which is more than worthy of attention in any regulation of the circumstances now mentioned with regard to several countries.

* * *

QUESTION D.

To what categories of agricultural women workers do you consider that such a Convention should apply ?

AUSTRIA.

The reply of the Austrian Government is as follows :

An international Convention on this subject could include all classes of female agricultural workers. An exception would, however, have to be made in the case of women engaged in looking after animals, as in their case part of the working hours involve mere presence on duty rather than actual work.

FINLAND.

The Finnish Government replies as follows :

So far as the regulation of night work is concerned, there is no need to make a difference between the various categories of labour, except in the case of the care of cattle.

GREAT BRITAIN.

The British Government replies as follows :

Such a Convention should apply to all women wage-earners engaged under a contract of service.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

The measures under consideration should be applicable to all agricultural workers except those who live in the house of the employer and whose duties are mainly domestic.

POLAND.

The Polish Government states :

Any Convention which may be adopted should apply solely to female agricultural workers employed on long term engagements. The matter has no importance for other categories of workers.

ROUMANIA.

The Roumanian Government considers that any

Convention which may be drawn up should apply only to farm servants, and, generally speaking, to agricultural workers engaged for long periods who remain overnight at the farms.

SPAIN.

The Spanish Government indicates in its reply to Question B the categories of workers who should be excluded from legislation concerning the night work of women employed in agriculture. (See page 37.)

* * *

QUESTION E.

What measures of control would you suggest in case of such a Convention ?

AUSTRIA.

The Austrian Government replies as follows :

Measures of control would be provided for by the agricultural inspection system which it is intended to set up by law in Austria.

FINLAND.

The Finnish Government considers that observation of the regulations should be ensured by local labour inspectors.

GREAT BRITAIN.

The British Government does not consider that it is necessary to make any suggestions at this stage.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

Opinion in the Netherlands in connection with the application of the contemplated law on agricultural labour is in favour of local bodies or committees composed of the two groups of parties concerned, with an independent president. Such bodies should work beside and in collaboration with the Labour Inspectorate.

POLAND.

The Polish Government considers that control should be in the hands of the Labour Inspectorate.

ROUMANIA.

The Roumanian Government replies as follows :

The application of a Convention would be ensured by the general conditions of indoor labour on the farm and the rules concerning the execution of the work allocated, as well as the books of the management. The farm-managers will see that the provisions are carried out.

SPAIN.

The Spanish Government's reply is as follows :

The application of such a Convention should be controlled by the extension of the functions of bodies similar to the Spanish local social reform committees (*juntas*).

SWEDEN.

The Swedish Government states :

The State superintendence of the application of the general legislation for the protection of workers is exercised by the Inspectors of Factories whose activity in certain respects extends to agriculture.

SWITZERLAND.

The Swiss Government considers that adequate control is impossible.

2. — GENERAL SURVEY OF THE QUESTION IN THE LIGHT OF THE REPLIES OF THE GOVERNMENTS.

There is general agreement among the Governments that practically no night work is performed by women in agriculture, and that, where it occurs, it is confined to cases which would necessarily have to be made the subject of exception in the event of restrictive legislation, *e. g.*, the care of animals, milking, etc., or arduous work which is better performed during cool light nights than in the trying heat of day.

The balance of opinion expressed is against adaptation of the Washington Convention concerning employment of women at night, although the fact that night work is rare in agriculture is used by some Governments as an argument in favour of adaptation and by others against it. Nevertheless, while the need for a Convention hardly arises, it is clear that it is necessary to institute some sort of guarantee against abuse in the cases in which night work occurs. It is, for instance, obvious that women farm-servants who are engaged in household duties until a late hour at night should not be expected to resume work at 4 a. m. in order to milk cows. The

problem, as is pointed out by the Danish Government, largely turns on the necessity for milking operations in the early morning.

The Governments agree that, in any case, the period understood by the term "night" in the Washington Convention cannot be applied to agricultural work. Suggestions for the definition of the night period are put forward, such as the hours between 10 p. m. - 5 a. m. (Austria), 9 p. m. - 4 a. m. (Finland and Poland), 10 p. m. - 5 a. m. (Sweden), but always on condition that exceptions are made for milking work. Some Governments, moreover, point out that, in view of the fact that the length of the night varies according to latitude and the season of the year, it is impossible to fix any such definition, and it is evident that conditions in industry, which permit of the ordered and regular carrying on of work independently of the presence of solar light, are not comparable with those prevailing in agriculture, since practically every kind of agricultural work is dependent on daylight. Again, while night work in industry is generally admitted to be undesirable and prejudicial to health, it may happen, as is pointed out by the Governments of Spain and Sweden, that agricultural work is performed from choice during cool light nights rather than in the heat of day. The Austrian Government further lays stress on the fact that it must be possible to meet any exigencies due to disturbance of the elements, (storms, etc.). It is therefore evident that any restrictive regulations should be in the direction of securing a minimum number of hours of consecutive rest rather

than that of fixing a definite night period within which work should be prohibited.

As regards the classes of workers to be covered, there is a general consensus of opinion that any protective measures devised should cover women workers engaged under a contract of service. The Netherlands Government suggests the exception of workers who live in the house and whose duties are mainly domestic, but if the duties of such workers, while mainly domestic, include early morning milking, they would form part of the class of workers referred to above whom it would appear particularly desirable to protect. It would obviously be impracticable to include the immediate relatives of the proprietor or manager of an undertaking, since no adequate means of control could be devised to meet such cases.

In view of the facts set out above, the International Labour Office submits as a basis for discussion of the subject by the Conference the draft Recommendation which is given below. The draft embodies the principle of a minimum number of hours of rest rather than a fixed night period in which the work of women is prohibited, since this arrangement gives the elasticity in the arrangement of hours of work which is necessary in agriculture, while, at the same time, it permits each country, if it deems fit, to define the night period in accordance with the requirements of its own special conditions.

3.—TEXT OF A DRAFT RECOMMENDATION CONCERNING
THE EMPLOYMENT OF WOMEN WAGE-EARNERS
IN AGRICULTURE DURING THE NIGHT.

The International Labour Office submits the following draft Recommendation for consideration by the Conference :

The General Conference recommends that the Members of the International Labour Organization take steps to regulate the employment of women wage-earners in agricultural undertakings during the night in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than nine consecutive hours.

PART III.

ADMISSION OF CHILDREN TO EMPLOYMENT
IN AGRICULTURE.

I. — OPINIONS OF THE GOVERNMENTS IN REPLY TO
THE QUESTIONNAIRE.

The terms of the Questionnaire were as follows :

A.—Are you of opinion that the Draft Convention adopted at Washington fixing the minimum age of admission of children to industrial labour should be applied to agricultural labour ?

B.—Do you consider that, during the period when schools are open, child-labour should be forbidden on the land ?

(1) Should this prohibition be absolute ?

(2) Could child-labour be authorised during a certain number of hours before and after the time of the opening of the school ? If so, for how many hours ?

(3) Until what age do you propose that child-labour should be forbidden in the fields ?

(a) absolutely ;

(b) for a limited amount of work performed after school.

C.—Ought the prohibition to apply to children employed by their parents on land which is worked with no outside assistance ?

D.—Do you consider that the age of admission generally authorised should be raised for certain types of labour ? If so for what types of labour ?

E.—Do you consider that during the holidays the children should be allowed to accompany their parents to work in the fields ? If so, from what age ?

F.—What measures of control do you propose ?

The following are the opinions expressed by the Governments in the replies which have been received by the International Labour Office in time for inclusion in this Report. They are arranged under each different heading of the Questionnaire in alphabetical order.

* * *

QUESTION A.

Are you of opinion that the Draft Convention adopted at Washington fixing the minimum age of admission of children to industrial labour should be applied to agricultural labour ?

AUSTRIA.

The Austrian Government replies as follows :

In Austria, child-labour is regulated not only in industry and commerce, but also in agriculture, by the Act of 19th December, 1918, *Staatsgesetzblatt* XX, particularly by paragraph 7: ("No child shall be employed under the age of 12 years. However, in agriculture and domestic work, children may be employed on light work as soon as they are ten years of age.")

It is not desirable from the Austrian standpoint to go beyond the provisions of this Act, and to introduce further limitations on child-labour by an international Convention

CANADA.

The Government of Canada replies as follows :

There is practically no child-labour on farms in Canada save that of the farmer's own children who are required by law to attend school; no good purpose would appear to be served, therefore, by the proposed legislation so far as Canada is concerned.

DENMARK.

The Danish Government holds the opinion that in view of general conditions in Denmark

regulations *re* minimum age for children's work in farming must be considered uncalled for, and measures of control unnecessary in this respect, because the existing councils for the welfare of children and the police will be able to undertake the necessary inspection.

FINLAND.

The reply of the Finnish Government is as follows :

Intensive culture is not as yet much practised in Finland, and it is further relatively rare that children are employed in productive work, *e. g.* cultivation of root-crops. On the contrary, children are very generally and very early accustomed in Finland to perform simpler agricultural work.

The Washington Draft Convention fixing an age limit for the employment of children in industry cannot be applied, without alteration, in agriculture. Its provisions ought not therefore to be used as a basis for draft regulations concerning the work of children in agriculture.

FRANCE.

The French Government considers that the Washington Draft Convention concerning the minimum age for the admission of children to industrial employment should not be extended to include children employed in agriculture, and states:

Agricultural labour is not comparable with industrial labour; the former is rather a healthy sport graduated according to the strength of the child.

GREAT BRITAIN.

The reply of the British Government is as follows :

Agricultural conditions differ very materially from those of other industries, and it is considered that the minimum

age fixed by the Washington Convention for admission of children to industry cannot be applied without modification. His Majesty's Government are not contemplating at present fixing any higher age than that fixed by the Education Act, 1918 (*see below*), but they are of opinion that any employment of children below 14 should be strictly regulated so as to ensure that their education is not interfered with and that they are protected from undue strain. In England the law relating to employment of children has been amended recently by the Education Act of 1918, and the following provisions are now in force with regard to all employment, including agricultural employment :

(a) A child must not be employed under the age of 12. Exceptionally a bye-law may be made by a local education authority permitting the employment of children below the age of 12 by their parents in specified occupations, and subject to such conditions as may be necessary to safeguard the interests of the children. The bye-laws require to be confirmed by the Home Office before they come into force. Such bye-laws have only been made in respect of agricultural work in one or two cases.

(b) Between the ages of 12 and 14 the employment of children is closely restricted. They must not be employed on any day before 6 a. m. or after 8 p. m. and on school days must not be employed at all before the close of school hours. Exceptionally a bye-law may be made by the local education authority permitting the employment of children for one hour in the morning before school hours in specified occupations and subject to such conditions as may be necessary to safeguard the interests of the children. Children so employed must not be employed for more than one hour in the evening after school. The bye-laws require to be confirmed by the Home Office before they come into force. On Sundays employment is not permitted for more than two hours. These restrictions can be supplemented by further regulations of the local education authority who are given the power to make bye-laws for the purpose, subject to the confirmation of the Home Office. Such bye-laws are in force in most districts of the country.

INDIA.

The Government of India is of opinion that the

Draft Convention adopted at Washington fixing the minimum age of children in industrial labour should not be applied to agricultural labour.

ITALY

The Italian Government states :

The same reasons which led to the adoption of the Washington and Genoa Conventions concerning the minimum age for the admission of children to industrial and maritime employment respectively hold good in favour of a similar decision with regard to children in agricultural employment.

JAPAN.

The Japanese Government states that the matter is under consideration.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

It is not desirable that the Washington Convention should be applied to agricultural labour without modification. Since the agricultural work performed by children is very different from that performed in industry, the main point to be ensured in fixing the minimum age of admission to agricultural work is the prevention both of any encroachment on the normal hours of sleep and of hindrance to primary education. The former will be ensured by prohibition of the employment of children before a fixed hour in the morning and after a fixed hour in the evening. The latter will be ensured in the Netherlands by the prohibition of agricultural labour for children of compulsory school age, except in the case of light work performed outside school hours and during fixed times in undertakings managed by relatives.

NORWAY.

See note under Norway, page 16.

The reply of the Committee is as follows :

Children are employed in Norway on lighter tasks in agriculture. This is considered to be advantageous both for the employer and for the children, and therefore we do not think there is any reason for prohibiting child-labour. The children ought, however, to be protected against over-exertion and against unhealthy or dangerous occupations, but it might perhaps be difficult to establish international regulations for such protection.

In Norway the education laws ensure that the children get sufficient time for school-work, and that they attend school during the prescribed school-time.

It is recommended that a prohibition should be issued against all hired work in agriculture for children under 12 years old.

POLAND.

The Government of Poland is of opinion that the Draft Convention adopted at Washington fixing the minimum age for admission of children to industrial labour should be applied to agricultural labour, 12 years being fixed as the minimum age.

ROUMANIA.

With regard to the extension to agriculture of the Washington Convention concerning the minimum age for the admission of children to industrial employment, the Roumanian Government is of the following opinion :

Employment should be prohibited during the period of compulsory education, that is, speaking generally, before the age of 14 years. This is advisable, not only for reasons of humanity, but also in the interest of the intellectual development of the rural population.

SOUTH AFRICA.

The Government of South Africa replies as follows :
It is very rarely the case that children are engaged by

their parents for agricultural labour at an earlier age than 14 years; and even in such cases the work is chiefly confined to school holidays when they do weeding, assist at harvesting and perform work not of an arduous nature.

SPAIN.

The Government of Spain replies as follows :

It is considered that in this connection the geographical climatic and ethnological variations in the different countries should be taken into account, as well as all the economic and social causes which might prevent the fixing of a uniform age in all countries for the admission of children to agricultural work. Further, it should not be forgotten that agricultural work is in most cases healthier than work in industry, a fact which would permit the age of admission to agricultural employment to be lower than in industry. Distinction should always be made between the children of the cultivator himself and children who are not members of his family. In any case, it must be borne in mind that any measures of protection are intended not only to facilitate the physical development of children but also to enable them to carry out their educational obligations.

SWEDEN.

The Swedish Government states:

Although, so far as Sweden is concerned, a general laying down of the minimum age for the vocational work of children in agriculture does not appear to be called for by the circumstances, — except so far as has already been done indirectly by the School Law, — the matter is quite different with regard to certain dangerous kinds of work, such as work in connection with machines with belting or cranks and in the management of certain agricultural implements. With regard to such work it seems that a prohibition is requisite for children, in general agreement with what the Washington Convention lays down with regard to industrial labour.

SWITZERLAND.

The Swiss Government replies as follows :

The regulations concerning the conditions of agricultural labour in Switzerland, except for the provisions relative to sickness insurance and accident insurance, are still within the competence of the Cantons. The Federal Constitution as framed at present does not authorize the Confederation to pass legislative measures concerning the age of admission of children to agricultural labour. Consequently, it would not be possible for Switzerland to adhere to an international Convention on this question.

Further, undertakings in which only members of the same family are employed are specially excepted in the Washington Conventions concerning the employment of women and children in industry. The distinction thus established between undertakings employing only members of the same family and those employing outside labour is equally necessary in agriculture. Family agricultural undertakings are the rule in Switzerland and the women and children working in the fields are members of the family of the farmer or at any rate belong to the category of servants who share the conditions of living and work of the employer himself. There is, therefore, no question of international regulation.

The question of the minimum age for the admission of children to agricultural employment is closely bound up with that of school education. These two questions are reserved by the Federal Constitution for the competence of the Cantons. The public law in force at the present time would not authorise the Confederation to adhere to an international Convention fixing the minimum age for the admission of children to agricultural labour. To these legal considerations may be added others of a more general nature which also offer obstacles to an international Convention.

Agriculture is the most suitable of all occupations for the employment of children. The nature of the work allotted to them, its variety, the fact that it is performed in the open air remove in a very large degree the disadvantages inherent in their employment in industry. Further, physical development takes an increasingly important place nowadays in the education of children. It would therefore seem inadmissible to endeavour to prohibit bodily effort in the nature of work, particularly when, as in this case, this work is performed under eminently hygienic conditions.

The objections of a moral nature made to the employment

of children in industry are not valid in the case of agricultural labour. In most cases the children work in the fields under the supervision of their parents. The pernicious influences from which it is desirable to shelter them by prohibiting their employment in industry are thus removed. It is preferable that they should be allowed in the fields than that they should wander without supervision while their parents are tied by their occupation.

Finally, it should be noted that elementary school education continues in every Canton until 14 years of age. The educational laws are severe, are strictly observed and regulate the question sufficiently of themselves. They are drawn up in such a way as to allow the children to work in the fields at the periods when their help can be useful, but at the same time to make it impossible to employ them in a systematic manner or in a manner open to abuse. Further, they constitute the best means of control in this respect. When it is taken into consideration that in Switzerland the only agricultural system is that of small holdings, that the children who are occupied in the fields are, as a matter of fact, the children of the farmer himself, it must be admitted that there is no need for a special regulation concerning the age of admission of children to agricultural labour.

The Swiss Government is consequently of opinion that there is no need to apply to agricultural labour the Washington Draft Convention fixing the minimum age for the admission of children to industrial employment.

* * *

QUESTION B.

Do you consider that, during the period when schools are open, child-labour should be forbidden on the land ?

(1) Should this prohibition be absolute ?

(2) Could child-labour be authorised during a certain number of hours before and after the time of the opening of the school ? If so, for how many hours ?

(3) Until what age do you propose that child-labour should be forbidden in the fields ?

(a) absolutely ;

(b) for a limited amount of work performed after school.

DENMARK.

The Danish Government states :

Child labour in Danish farming before the end of the years of compulsory school attendance — 14 years — is not very common except in cases in which they are engaged on their parents' farms or assist their parents in their piece-work in beet fields of other farms, and in cases when they look after cows grazing.

The existing laws aim at preventing the employment of children who are bound to go to school from being a hindrance to their getting the full benefit of their schooling. These laws, together with a general acceptance of the importance of education, have, in course of time, done away with the former exploitation of child-labour at the expense of education, and at the same time the children are secured against being employed at work which is bad for their bodily development.

Further, it may be pointed out, with regard to school hours in the country, that these are very different, the children in some places attending school only every second day, whilst in other places the children go to school daily, but then, in the latter case, with shorter hours a day, so that the laying down of fixed rules would afford considerable difficulties.

FINLAND.

The Government of Finland replies as follows :

The employment of children in productive agricultural work, while the schools are open, should be prohibited. This prohibition should be absolute.

Children under 13 years of age should not be allowed to be employed in agricultural labour except in the following cases :

(1) children employed by their relatives in agricultural work, in those undertakings where the work is exclusively performed by members of the family ;

(2) children should be permitted to be employed by their relatives during the holidays in agricultural work properly so-called, from the age of 12 upwards, and even earlier in gardening and other similar easy tasks of short duration.

FRANCE.

The French Government considers that children should not be absolutely prohibited from working in the fields during the period when the schools are open. Work during a number of hours which need not be fixed might be authorised before and after school hours. It is not necessary to fix an age before which the work of children in agriculture is either prohibited or restricted to hours before and after school, as there is no abuse.

GREAT BRITAIN.

The British Government states :

Under Section 8 of the Education Act of 1918 no exemption from attendance at school is to be granted to any child between the ages of 5 and 14 years. (This Section will not be brought into force until after the date of the termination of the war.)

Employment of children during the hours that school is open, is prohibited. It is not considered necessary that employment of children in agricultural work should be entirely prohibited during school term even out of school hours. The questions 1, 2 and 3 under this heading are covered by the answers already given. (*See page 50.*)

INDIA.

The Government of India replies as follows :

The Government of India are prepared to agree to the prohibition of the employment of children in agriculture during school hours in areas where education is compulsory. They consider that further action is unnecessary.

ITALY.

The Italian Government replies as follows :

The paid work of children in agriculture should be ab-

solutely forbidden during the period when the schools are open. Paid employment of children in the fields should be absolutely prohibited until the age of 14 years.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

It is desirable that agricultural work (work in the fields, etc.) should be prohibited during school hours for children of compulsory school age. If during a short period of the year certain work necessitates the assistance of children of compulsory school age, the school holidays should be so arranged that school attendance is not interrupted thereby. This prohibition should be absolute. Children above ten years of age might be allowed to perform light tasks for a period not exceeding four hours outside school hours in undertakings worked by their parents.

All paid agricultural work should be prohibited for children attending elementary schools except, should necessity arise, during the holiday period referred to above. Agricultural work should be absolutely prohibited before the age of 10 years.

NORWAY.

See note under Norway, page 16.

The reply of the Committee is as follows :

In Norway the education laws ensure that the children get sufficient time for school-work and that they attend school during the prescribed school-time.

POLAND.

The Polish Government states :

The employment of children of school age in the fields should be forbidden if this interferes with their educational obligations. Any such prohibition should be absolute. The employment of children may be authorised during a certain number of hours before and after school hours, on condition that the work in school and in the fields together does not

exceed 9 hours a day. Paid employment should be absolutely prohibited for children under 12 years of age.

For children between 12 and 15 years of age, employment might be authorised during a certain number of hours before and after school hours, on condition that work in school and in the fields together does not exceed nine hours a day.

ROUMANIA.

With regard to the extension to agriculture of the Washington Convention concerning the minimum age for the admission of children to industrial employment, the Roumanian Government states :

Employment should be prohibited during the period of compulsory education, that is speaking generally, before the age of 14 years. This is advisable, not only for reasons of humanity, but also in the interest of the intellectual development of the rural population.

SPAIN.

The Spanish Government replies as follows :

The employment of children of less than 10 years of age should be absolutely prohibited, and for children between 10 and 14 years of age permitted only during the periods when the public schools of the districts where they live are closed. Later on, a certain amount of employment of children might be permitted, but in such a manner as to allow them to profit by such educational facilities as exist in the locality where they live. Children employed in work in the fields will, in spite of all, remain in a position of inferiority with regard to industrial workers from the point of view of education, and this notwithstanding our national legislation and the international Washington decisions. Nevertheless, this state of inferiority is, up to a certain point, and at any rate in the present conditions, inherent in their class. On the other hand, it is obvious that the agricultural worker has the advantage over the town worker from the point of view of health by reason of the conditions in which he works.

SWEDEN.

The Swedish Government replies as follows :

With regard to the employment of children in agricultural work, the School Law now in force provides that the duty of attending school should extend, as a rule, to the calendar year in which the child completes its fourteenth year, although it is permitted to leave earlier under certain conditions. It would seem, however, that the provisions now in force are to some extent modified in practice, inasmuch as children of school age are employed to a considerable extent in agricultural labour not only during the holidays but also during the terms on the strength of " days off for work ". But the fact must be emphasized that the question is not about work for wages in the proper sense of the term, but about assisting the parents in the management of their small holdings, and that it is admitted, even on the part of the agricultural workers, that it is not unadvantageous for the children to have an early opportunity of learning in a practical way the occupation which will be the task of most of them in the future. It must further be borne in mind that, while the employment of young persons for the weeding of root-crops, driving cattle to pasture, etc. during a short time in good weather can scarcely be regarded as involving any hygienic or social injuries, that cannot be said to be the case if the children are used in threshing by machinery, in chaff-cutting, in the driving of Norwegian harrows, in using mowing and reaping machines, in felling timber, and in other work which is dangerous for young people.

SWITZERLAND.

See reply to Question A, page 54.

* * *

QUESTION C.

Ought the prohibition to apply to children employed by their parents on land which is worked with no outside assistance ?

FINLAND.

The Government of Finland states :

The prohibition should not be applicable to children employed by their relatives in agricultural work, in those undertakings where the work is exclusively performed by members of the family.

FRANCE.

The French Government considers that there should be no prohibition in the case of children working in their own families.

GREAT BRITAIN.

The British Government makes the following reply :

The English law makes only one distinction between children employed by their parents and children employed by other persons. The definition of employment is " employment in any labour exercised by way of trade or for the purposes of gain whether the gain be to the child or to any other person. " The employment of a child by a parent is therefore employment if the parent derives gain from it. The only exception is that, whereas the employment of children under 12 by an ordinary employer is absolutely prohibited, a Local Education Authority is able to make bye-laws permitting the employment of children by their parents.

INDIA.

The Government of India considers that this prohibition should apply to children employed by their parents in the same way as to other children.

ITALY.

The Italian Government replies :

It is highly desirable that the prohibition should apply, at least during the time when the schools are open, to children employed by their parents on land which is worked only by

members of the same family. This however, is not practicable, and there will be great difficulty in devising efficacious measures for the observance of such a prohibition. In view of this consideration, and also of the fact that the Washington and Genoa Draft Conventions are not applicable to undertakings and ships on which are employed only the members of the same family, it would be necessary to make the same limitations in the case of agricultural work.

NETHERLANDS.

See reply to Question B, page 59.

POLAND.

The Polish Government replies as follows :

It would be desirable that the prohibition should apply to children employed by their parents on land which is worked with no outside assistance, but this would seem to be impracticable, especially in the form of an international Convention.

SPAIN.

The Spanish Government states :

A distinction should be made between the children of the cultivator and children who are not members of his family, although this distinction should not be carried so far as to deprive the former of all elementary education.

* * *

QUESTION D.

Do you consider that the age of admission generally authorised should be raised for certain types of labour ? If so for what types of labour ?

FINLAND.

The Government of Finland considers that the age limit should be raised to 16 years in the case of ploughing, ditching and threshing.

FRANCE.

The French Government is of opinion that there is no need to raise the age of admission generally authorised in order to meet the case of certain types of labour.

GREAT BRITAIN.

The reply of the British Government is as follows :

Children (*i. e.* young persons under 14 years) are not regularly or commonly employed as wage-earners in agriculture in Great Britain, and no experience is available which would enable this question to be answered.

ITALY.

The Italian Government states :

It would not be advisable to prescribe that the age of admission should be raised beyond 14 years. Heavier types of work (ploughing, reaping, etc.), for which it would be necessary to consider the raising of the age limit, are not generally carried out by young persons.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

Children should not be employed, if this can be avoided, on unhealthy and trying work such as the manipulation of heavy loads, or on dusty work, such as corn-threshing. It is doubtful whether these abuses can be entirely prevented by the enumeration of the classes of work where such risks occur.

POLAND.

The Polish Government states :

Employment before the authorised age of admission should be prohibited in all cases where there is danger to the life and health of the worker, for example, work performed with

machines, threshing machines, etc. as well as work requiring the lifting of heavy weights.

SPAIN.

The reply of the Spanish Government is as follows :

The age of admission to work which requires a greater output of physical force, more intelligence, or is more dangerous, should be raised as far as possible. Harvest work, ploughing with ordinary ploughs or machines, tree-felling, vine-hoeing, carting, driving or guarding animals (particularly large animals such as cattle, horses, mules and pigs), threshing and crushing grain, guiding reaping machines and all other machines the handling of which is dangerous, wine making and other similar work, are all occupations in which the general age of admission fixed should be raised, although we recognise that such a provision would meet with difficulties in actual application owing to the contrary precedents established by necessity and custom.

SWEDEN.

See reply to Question A, page 54.

* * *

QUESTION E.

Do you consider that during the holidays the children should be allowed to accompany their parents to work in the fields ? If so, from what age ?

FINLAND.

The Government of Finland replies as follows :

Children should be permitted to be employed by their relatives during the holidays in agricultural work properly so-called, from the age of 12 upwards, and even earlier in gardening and other similar easy tasks of short duration.

FRANCE.

The French Government is of opinion that children of any age should be allowed to work in the fields with their relatives during school holidays.

GREAT BRITAIN.

The reply of the British Government is as follows :

His Majesty's Government do not wish to offer any observation on this point, beyond saying that, as already pointed out, the English law makes practically no distinction between employment of children by their parents and ordinary employment. Consequently such employment is subject to the same restrictions, save that in exceptional circumstances children under 12 may be employed by their parents.

INDIA.

The Government of India considers that children should be allowed to accompany their parents to work in the fields at all ages.

ITALY.

The Italian Government replies as follows :

Children might be allowed to accompany their parents to work in the fields during the holidays without inconvenience, and also with some advantage to the children. The minimum age at which children might be permitted to accompany their parents to work in the fields might be fixed at 12 years.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

The age limit of 10 years should be observed. See also reply to Question B (*page 59*).

POLAND.

The Polish Government considers that children should not be forbidden to accompany their relatives to work in the fields or to work with them during the harvests.

SPAIN.

The Spanish Government replies as follows :

In view of the fact that such employment does not prevent children from complying with the obligation to attend school we agree to this proposal, provided always that the children concerned are over ten years of age and that they are not employed on work unsuited to their age or physical strength or for an exceedingly long working day.

* * *

QUESTION F.

What measures of control do you propose ?

AUSTRIA.

The reply of the Austrian Government is as follows :

In the Bill concerning agricultural inspection which is in course of preparation, measures for supervising the protection of child-labour will, of course, be included.

FINLAND.

The Government of Finland considers that the application of restrictions concerning the employment of children in agricultural work should be assured by the local labour inspectors.

FRANCE.

The French Government considers that it is not necessary to institute control where there is no abuse.

GREAT BRITAIN.

The British Government states :

The law respecting the employment of children in agriculture should be enforced by inspection and by the prosecution of employers who employ children contrary to the law. In England the duty of enforcing the law is entrusted to the local education authorities.

INDIA.

The Government of India proposes no measures of control.

ITALY.

The Italian Government considers that the supervision exercised by the Labour Inspectorate should be extended to agriculture.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

Opinion in the Netherlands in connection with the application of the contemplated law on agricultural labour is in favour of local bodies or committees composed of the two groups of parties concerned, with an independent president. Such bodies should work beside and in collaboration with the Labour Inspectorate.

POLAND.

The Polish Government considers that control should be in the hands of the Labour Inspectorate.

SPAIN.

The Spanish Government considers that the application of these measures should be controlled by organisations similar to the Spanish local social reform committees (*juntas*).

SWEDEN.

The Swedish Government states :

In Sweden the State superintendence of the application of the general legislation for the protection of workers is exercised by the Inspectors of Factories, whose activity in certain respects extends to agriculture.

SWITZERLAND.

See reply to Question A, page 54.

2. — GENERAL SURVEY OF THE QUESTION IN THE LIGHT OF THE REPLIES OF THE GOVERNMENTS.

Of the sixteen Governments which have replied to the Questionnaire, only four (Italy, Poland, Roumania, Spain) are in favour of the application to agriculture of the Washington Convention concerning the minimum age of admission of children to industrial employment. The Government of Italy considers that the reasons which led to the adoption of the Washington and Genoa Conventions concerning the minimum age of admission to industrial and maritime employment respectively, hold good in favour of a similar decision with regard to children

employed in agriculture. The Roumanian Government would prohibit employment of children in agriculture during the period of compulsory education, or generally speaking, before the age of 14 years. The Governments of Poland and Spain, however, make reservations as to the age limit, which they consider might be lowered. The majority of those Governments which adopt an unfavourable attitude consider either that the present education laws exercise the necessary control, or that the difference between work in agriculture and industry is such as to render the extension of the Convention unnecessary. The replies indicate a general feeling that the method of approach to the question of the restriction of child-labour in agriculture cannot be the same as that adopted when considering such restriction in industry, since, it is alleged, the conditions of work in agriculture, unlike those in industry, are normally healthy. The French Government even states that it considers that child-labour in agriculture is a "healthy sport graduated according to the strength of the child", and that "there is no need for control where there is no abuse." No other Government goes as far as this, but comparatively little stress is laid on the fact that the nature and duration of the work may be such as to react prejudicially on the health of children, despite the open-air conditions. In this connection, it should perhaps be recalled that the Genoa Conference which considered the application of the Washington Convention to children employed at sea was also dealing with employment in which the conditions of work were in themselves

healthy, but the Draft Convention passed by the Conference nevertheless prohibited such employment before the age of fourteen years.

A point which meets with general recognition in the replies is the necessity of ensuring to children in agriculture, educational facilities equal, as far as possible, to those available for children in industry. Even though it may be argued that agricultural work is not prejudicial to health, it can hardly be disputed that it should not be allowed to stand in the way of elementary education, since the fact of the institution of a compulsory education law in any country is a recognition of the necessity of a minimum standard of educational attainments for its citizens. The majority of Governments consider that the best method of protecting the child in agriculture is by the enforcement of the education laws (*e. g.* Canada, Great Britain, Netherlands, Sweden, Switzerland). The Government of India states that it is willing to prohibit the employment of children in agriculture during school hours in areas where education is compulsory. It is clear that regulation of child-labour must march hand in hand with education, and this was fully borne in mind by the special Commission on the Employment of Children appointed by the Washington Conference which in its report called the attention of the International Labour Office to the difficulties which would arise in those countries where there is a considerable gap between the age of admission to employment as proposed by the Washington Convention, and the age at which the education of children is completed, and suggested that the Office

should be asked to approach the Governments concerned with a view to the necessary provision being made.

The large majority of replies to heading B of the Questionnaire, which concerns prohibition of work during the period when the schools are open, are in favour of prohibition during school hours, but not against the performance of a certain amount of work before and after school hours (France, Great Britain, Netherlands, Poland, Sweden). The Governments of Roumania and Italy are in favour of total prohibition during the school term up to the age of 14 years, and Finland up to the age of 13 years. Consideration of these facts has led the International Labour Office to the conclusion that the draft for a Convention submitted for the consideration of the Conference should be based on the prohibition of agricultural work during school hours, *i. e.* on the enforcement of elementary education laws, and should take into account the fact that as there are many light tasks in agriculture which can with advantage to the children themselves be performed out of school hours, it would not appear desirable or expedient to prohibit such work. Examination of existing education laws in various countries shows, however, that in many cases exemption from school attendance is very frequently allowed on a liberal scale for purposes of agricultural work. Certain Governments have found it possible, and others suggest that it should be possible, to arrange school-hours and school-holidays in such a way as to allow children to work in the fields at the times when their assistance is most needed, and at the same time

to protect them from abuse (Netherlands, Switzerland). It would, therefore, seem advisable to devise some safeguard against an undue amount of exemption from school attendance, and an effective method of ensuring this would be to fix a minimum period below which the period of school instruction could not be reduced. If this were fixed at 8 months in the year, it would represent a substantial measure of progress in some countries.

In reply to the question as to whether children employed by their parents on land which is worked with no outside assistance should be included in any protective measures, the Governments of Finland and France state that they are opposed to the inclusion of such children. Three Governments (India, Italy, Poland) consider, on the other hand, that it would be desirable to extend the prohibition to cover these children, but at the same time the difficulty of devising efficacious methods of enforcement is recognised. In Great Britain, however, no difference is made by law between the employment of children by their parents and ordinary employment (save that in exceptional circumstances children may be employed by their parents). This would seem to show that the education law properly applied forms an adequate means of control. It is true that both the Washington and Genoa Conventions specially excluded application to children who are employed in industrial undertakings or on vessels in which only members of the same family are employed, but this exception was due to the fact that it was impossible to devise adequate means of control in such cases, as the two

Conventions in question were not primarily based on enforcement of compulsory education laws. It is clear, however, that given that there is no objection to children working in the fields with their parents during the holidays (and most of the Governments agree that this should be possible), a Convention prohibiting employment in agriculture during school hours could include such children. As a very large proportion of the children engaged in agriculture work with their own families, it would appear desirable to include them.

Eight Governments replied to the question concerning the advisability of fixing a special age for admission to specially heavy classes of labour such as manipulation of heavy loads, ploughing, ditching, management of machines, tree-felling, etc., and, of these eight, five are in favour of special protection (Finland, Netherlands, Poland, Spain, Sweden). The British Government makes no mention of children above school age in this connection, and merely states that Great Britain has no experience of the employment of children under 14 years of age on heavy classes of labour. The Governments of France and Italy are not in favour of special protection. Some Governments consider that there would be difficulty in enforcing such a provision. The main objection, however, to the inclusion of a clause of this nature in any Convention which may be considered by the present Conference is perhaps one of competence, as it might be contended that the Conference could not deal with the question since it did not appear on the Agenda. It will be remembered

that it was on this ground that the Genoa Conference refused to include in the Draft Convention fixing the minimum age for admission to employment of children at sea, an Article fixing a higher age for admission to employment as trimmers and stokers on board ship, and passed instead a resolution that the question should appear on the Agenda of the next Conference. The 1921 Conference may, in the same way, see fit to pass a similar resolution concerning the age of admission to heavy classes of agricultural labour.

After consideration of all the foregoing facts, the International Labour Office submits to the Conference the draft for a Convention which appears below. The principle of the draft is the enforcement of compulsory education laws, that is, the prohibition of agricultural employment during school hours, with the important proviso that exemptions for purposes of agricultural work shall not be allowed when such exemption would mean the reduction of the period of school attendance to less than 8 months in the year. Consideration of the special nature and conditions of agricultural work has led to the conclusion that it is not expedient to fix a rigid limit of absolute prohibition to the work of children in agriculture in the same way as was found possible in the case of industry, and the limit of 14 years as the age before which work is entirely prohibited has therefore been renounced. The proposed draft confines itself to prohibition of employment during compulsory school hours over a minimum school period in order that children employed in agricultural work may be ensured the necessary educational facilities. Fourteen

years has been adopted as the upper limit of compulsory school age, not because it is desired to secure arbitrary agreement with the age fixed by the Washington Draft Convention with regard to industry, but because this is the general limit in more advanced countries. On the other hand, the draft is framed to cover children who are employed by their parents, since the school attendance of such children can be as well controlled by education laws as that of children working for outside employers. The draft allows, however, of employment before and after school hours and during the holidays.

Article 3 which excepts the work done by children in technical schools, corresponds to similar Articles in the Washington and Genoa Conventions concerning the minimum age of employment of children in industry and at sea, and is obviously equally desirable in connection with agriculture.

3. — TEXT OF A DRAFT FOR A CONVENTION CONCERNING THE EMPLOYMENT OF CHILDREN IN AGRICULTURE DURING COMPULSORY SCHOOL HOURS.

The International Labour Office submits the following draft for a Convention for the consideration of the Conference :

Article 1.

Children under the age of fourteen years shall not be employed or work in any public or private agri-

cultural undertaking, or in any branch thereof, during the hours of compulsory school attendance.

Article 2.

It shall be possible for purposes of technical instruction or vocational training to employ children in agriculture on exceptional work or in connection with the harvest, provided that such work is without prejudice to attendance during compulsory school hours.

The period and hours of attendance may be arranged in such a way as to admit of such employment always provided that the annual period of school attendance be not reduced to less than eight months.

Article 3.

The provisions of Article 1 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

PART IV.
NIGHT WORK OF YOUNG PERSONS
IN AGRICULTURE.

1. — OPINIONS OF THE GOVERNMENTS IN REPLY
TO THE QUESTIONNAIRE.

The terms of the Questionnaire were as follows :

A.—Do you consider that the Draft Convention adopted at Washington concerning the night work of children should be adapted to the case of children working in agriculture ?

B.—What, in your opinion, is the meaning to be attached to the term “ night ” as applied to child-labour in agriculture , and what are the hours which should constitute the period so described ?

C.—Until what age do you consider that the employment of children during the night should be prohibited ? What measures of control do you advocate ?

The following are the opinions expressed by the Governments in the replies which have been received by the International Labour Office in time for inclusion in this Report. They are arranged under each different heading of the Questionnaire in alphabetical order.

QUESTION A.

A.—Do you consider that the Draft Convention adopted at Washington concerning the night work of children should be adapted to the case of children working in agriculture ?

AUSTRIA.

In the opinion of the Austrian Government the employment of children under 14 on night work should be absolutely prohibited.

CANADA.

The Government of Canada replies as follows :

The question of night work of children engaged in agriculture has not arisen in Canada as practically no child-labour is employed on farms in Canada.

DENMARK.

The Danish Government replies as follows :

No children of school age perform night work. After having left school, it is, however, not uncommon that young people participate in milking. However, it cannot be acknowledged expedient to make special rules for this.

FINLAND.

The Finnish Government replies as follows :

Children and young persons are not employed on night work in agriculture in Finland.

The Washington Draft Convention concerning the night work of young persons employed in industry can only be applied to children employed in agricultural labour with the following modifications :

Provided the word “ night ” be taken to be a period of 11 hours from 8 p. m. to 7 a. m. ;

Provided that the age limit be fixed at 15 years.

FRANCE.

The French Government states :

There is no necessity to regulate the night work of young persons in agriculture in France, and in any case the French

Government cannot examine the question, as it has requested the deletion of the question of the limitation of hours of labour from the Agenda of the Conference.

GREAT BRITAIN.

The British Government replies as follows :

The observations made above on the question of the employment of women at night apply equally to the question of the employment of young persons at night. (*See pages 31, 36 and 42.*)

INDIA.

The Government of India does not consider that the Draft Convention adopted at Washington concerning the night work of young persons should be adapted to the case of young persons working in agriculture.

ITALY.

The Italian Government states, with regard to the night work of children, that reference should be made to its remarks concerning the night work of women employed in agriculture. (*See page 32.*) In Italy such work is not usually performed by children.

JAPAN.

The Japanese Government states that the matter is under consideration.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

In view of the great difference between night work in industry and in agriculture, including the night work of children, the application of the Washington Draft Convention

to agriculture is not to be recommended. Owing to the nature of agricultural work children rarely perform such work at night.

NORWAY

See note under Norway, page 16.

The reply of the Committee is as follows :

The question is, practically speaking, of no importance for Norway.

It is agreed that child-labour at night ought to be prohibited.

POLAND.

The Polish Government replies as follows :

The Draft Convention adopted at Washington concerning the night work of children should be adopted without modification in the case of children working in agriculture.

ROUMANIA.

In the opinion of the Roumanian Government it is not necessary to adapt the Washington Draft Convention concerning the night work of young persons in industry to apply to children in agriculture.

SOUTH AFRICA.

The Government of South Africa states that in South Africa children are not employed in agriculture at night and that therefore no reply to the Questionnaire is necessary.

SPAIN.

The Spanish Government replies as follows :

The Draft Convention adopted at Washington concerning the night work of young persons in industry should be adapted to the case of young persons working in agriculture and the

age should be fixed in the same way as has been done for industry.

SWEDEN.

The Swedish Government replies as follows :

Night work of children under school age scarcely occurs in Swedish agriculture. In this respect, however, the Convention passed at Washington refers not only to " children " in the proper sense of the term, but also to " young persons " of both sexes up to the age of 18, in the case of whom, of course, night work may occur in certain cases in milking, driving, etc.

The Government is of opinion that, if due consideration is given to necessary exceptions, (*see reply concerning Night Work of Women, pages 34, 40 and 43*), there seems to be scarcely any objection in principal against an extension of the Convention passed at Washington concerning the night work of young persons employed in industry.

SWITZERLAND.

The Swiss Government replies as follows :

The regulations concerning the conditions of agricultural labour in Switzerland, except for the provisions relative to sickness insurance and accident insurance, are still within the competence of the Cantons. The Federal Constitution as framed at present does not authorize the Confederation to pass legislative measures concerning night work of children in agriculture. Consequently, it would not be possible for Switzerland to adhere to an international Convention on this question.

Further, undertakings in which only members of the same family are employed are specially excepted in the Washington Conventions concerning the employment of women and children in industry. The distinction thus established between undertakings employing only members of the same family and those employing outside labour is equally necessary in agriculture. Family agricultural undertakings are the rule

in Switzerland and the women and children working in the fields are members of the family of the farmer or at any rate belong to the category of servants who share the conditions of living and work of the employer himself. There is, therefore, no question of international regulation.

The Washington Convention defines a child as an individual of less than 18 years of age. We take it that this term is used here in the same sense, and in any case goes further than the usual definition of " a child ", and refers both to persons who are still at school and to those who have passed school age but have not yet attained a given age.

Up to the time when he leaves school the child is not, properly speaking, employed in agricultural labour. He may give a certain amount of help outside school hours and during holidays without this necessitating legislation regulating such temporary and subsidiary labour. Thus, night work is totally unknown.

From the time of leaving school the young man, as is the case in all occupations, performs his apprenticeship in agricultural labour, but here again night work is exceedingly rare. Contrary to what obtains in industry, it only occurs in exceptionally urgent cases or in those in which work must be specially rapidly done, which would have to be specially excepted from the field of application of a Convention on this subject.

In these circumstances, the Swiss Government consider that night work of children in agriculture is not of a nature to require international regulation, and that there is therefore no necessity to adapt the Washington Draft Convention concerning the employment of young persons during the night to those occupied in agricultural work.

* * *

QUESTION B.

What, in your opinion, is the meaning to be attached to the term " night " as applied to child-labour in agriculture, and what are the hours which should constitute the period so described ?

FINLAND.

The Government of Finland is of opinion that in this connection the word "night" should be taken to be a period of 11 hours from 8 p. m. to 7 a. m.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

The term "night" should not have the same meaning for all categories of young persons ; the period between 9 p. m. and 4 a. m. should, however, be included in all cases. Where light work is performed in connection with undertakings managed by their parents, children over 10 years of age attending elementary schools might be prohibited from working between 7 p. m. and 8 a. m. For young persons under 16 years of age, other than in cases where exceptions are permissible, agricultural work might be prohibited between 7 p. m. and 6 a. m.

NORWAY.

See Note under Norway, page 16.

The reply of the Committee suggests that the term "night" in this connection should be taken as the period from 9 p.m. till 7 a.m.

POLAND.

In the opinion of the Polish Government the term "night" should be taken to mean the period between 8.30 p.m. and 6 a.m.

SPAIN.

The Spanish Government considers that its reply concerning the night work of women also applies in this case (*See pages 34, 37, 39 and 43*).

SWEDEN.

The Swedish Government states :

There seems to be no difficulty in principle in the way of Sweden's approving the definition of the Washington Convention, by which the term "night" means a space of time of at least 10 or 11 continuous hours in which is included the time from 10 p.m. to 5 a.m. Provision should be made for exceptions (care of animals, milking, varying length of summer day, etc.).

* * *

QUESTION C.

Until what age do you consider that the employment of children during the night should be prohibited ? What measures of control do you advocate ?

AUSTRIA.

In the opinion of the Austrian Government the employment of children under 14 on night work should be absolutely prohibited.

FINLAND.

The Government of Finland considers that employment of young persons on night work in agriculture should be prohibited until the age of 15 years.

The application of the regulations should be ensured by the local labour inspectors.

GREAT BRITAIN.

See reply to Question A, page 80.

NETHERLANDS.

See note under Netherlands, page 14.

The reply is as follows :

As a general rule, work between 7 p. m. and 6 a. m. should be prohibited in the case of young persons under 16 years of age. Exceptions should be limited to certain classes of work performed within fixed periods. In no case should paid night work be permitted in the case of children attending elementary schools.

Opinion in the Netherlands in connection with the application of the contemplated law on agricultural labour is in favour of local bodies or committees composed of the two groups of parties concerned, with an independent president. Such bodies should work beside, and in collaboration with, the Labour Inspectorate.

NORWAY.

See note under Norway, page 16.

The reply of the Committee suggests that the employment of children in agriculture during the night should be prohibited until the age of 15 years.

POLAND.

The Polish Government considers that the employment of children during the night should be prohibited up to the age of 15 years, and that control should be in the hands of the Labour Inspectorate.

SPAIN.

The reply of the Spanish Government is as follows:

It may be said that the night work of young persons does not occur in agriculture, and consequently there is

no problem to solve. In so far as it exists, it is evident that in this connection it is necessary to safeguard the rest period of young people as much in the interests of their physical development as to admit of their school attendance during the day. It is proposed that bodies similar to the local social reform committees (*juntas*) should be given control of the application of any measures taken.

SWEDEN.

The Swedish Government states :

In Sweden the State superintendence of the application of the general legislation for the protection of workers is exercised by the Inspectors of Factories, whose activity in certain respects extends to agriculture.

2 — GENERAL SURVEY OF THE QUESTION IN THE
LIGHT OF THE REPLIES OF THE GOVERNMENTS.

Much that has been said in Part II in the survey concerning the night work of women applies also to the night work of children. The replies of the Governments, while not indicating an unfavourable attitude to the principle of restriction, tend generally to the opinion that there is no necessity for regulation since the night work of children of school age is almost unknown, and that of young persons practically restricted to urgent work in connection with the care of animals (milking, etc.) which would have to be made the subject of exception in any case. A large proportion of the replies indicate that the Governments concerned have very little immediate interest in the question and have viewed it merely from a national standpoint. The French Government dismisses it

with the remark that there is no need to regulate such work in France. The British Government, while not opposing regulation, points out that agricultural employment is not in any way similar to night employment in industry or otherwise of a nature to require the application of the Washington Convention. It is, nevertheless, evident that, different as agricultural work may be in nature from industrial work, it is desirable, from an international standpoint, to provide some kind of safeguard against possible abuse in countries where such work is carried on, since the necessity for the protection of children and young persons is hardly open to dispute.

In the event of restrictive regulations or of adaptation of the Washington Convention, various suggestions are made as to the hours to be comprised in the term "night", *e.g.*, 8 p. m. - 7 a. m. with an age limit of 15 years (Finland), 7 p. m. - 6 a. m. with an age limit of 16 years (Netherlands), 9 p. m. - 7 a. m. with an age limit of 15 years (Norway), 8.30 p. m. - 6 a. m. with an age limit of 15 years (Poland), 10 p. m. - 5 a. m. (Sweden). Since, however, in almost every case exceptions are requested, and the replies indicate that practically all the night work performed by children in agriculture is of an exceptional nature, it would seem clear that any measures of control should aim at ensuring a minimum period of rest rather than at establishing a rigidly defined night period of prohibition. The International Labour Office has therefore prepared a draft Recommendation in general terms to this effect.

It is not clear that all Governments have taken young persons above school age into consideration in their replies, as several refer only to children of school age. The draft is, however, framed to cover young persons up to 18 years of age, the limit fixed in Article 2 of the Washington Convention, with a view to securing an adequate period for sleep during the years of growth.

3. — TEXT OF DRAFT RECOMMENDATION CONCERNING
THE EMPLOYMENT OF CHILDREN AND YOUNG
PERSONS IN AGRICULTURE DURING THE NIGHT.

The International Labour Office submits the following draft Recommendation for consideration by the Conference:

The General Conference recommends that the Members of the International Labour Organisation take steps to regulate the employment of children and young persons under the age of eighteen years in agricultural undertakings during the night in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than nine consecutive hours.

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