

第五部

I L O 条約・勸告編

大正8年10月29日

[五-1] 第1回ILO総会採択

失業ニ関スル条約

Convention 2

Convention concerning Unemployment¹

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to the "question of preventing or providing against unemployment", which is the second item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of an international Convention,
adopts the following Convention, which may be cited as the Unemployment Convention, 1919, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

Each Member which ratifies this Convention shall communicate to the International Labour Office, at intervals as short as possible and not exceeding three months, all available information, statistical or otherwise, concerning unemployment, including reports on measures taken or contemplated to combat unemployment. Whenever practicable, the information shall be made available for such communication not later than three months after the end of the period to which it relates.

¹ Date of coming into force : 14 July 1921.

Article 2

1. Each Member which ratifies this Convention shall establish a system of free public employment agencies under the control of a central authority. Committees, which shall include representatives of employers and of workers, shall be appointed to advise on matters concerning the carrying on of these agencies.

2. Where both public and private free employment agencies exist, steps shall be taken to co-ordinate the operations of such agencies on a national scale.

3. The operations of the various national systems shall be co-ordinated by the International Labour Office in agreement with the countries concerned.

Article 3

The Members of the International Labour Organisation which ratify this Convention and which have established systems of insurance against unemployment shall, upon terms being agreed between the Members concerned, make arrangements whereby workers belonging to one Member and working in the territory of another shall be admitted to the same rates of benefit of such insurance as those which obtain for the workers belonging to the latter.

Article 4

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 5

1. Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing—

- (a) except where owing to the local conditions its provisions are inapplicable; or
- (b) subject to such modifications as may be necessary to adapt its provisions to local conditions.

2. Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

Article 6

As soon as the ratifications of three Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation.

Article 7

This Convention shall come into force at the date on which such notification is issued by the Director-General of the International Labour Office, but it shall then be binding only upon those Members which have registered their ratifications with the International Labour Office. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the International Labour Office.

Article 8

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July 1921, and to take such action as may be necessary to make these provisions effective.

Article 9.

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for

registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 10

At least once in ten years the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 11

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

大正 8 年 1 0 月 2 9 日

[五 - 2] 第 1 回 ILO 総会採択

失業ニ関スル勸告

Recommendation 1

Recommendation concerning Unemployment

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to the "question of preventing or providing against unemployment", which is the second item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a Recommendation,

adopts the following Recommendation, which may be cited as the Unemployment Recommendation, 1919, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation :

I

The General Conference recommends that each Member of the International Labour Organisation take measures to prohibit the establishment of employment agencies which charge fees or which carry on their business for profit. Where such agencies already exist, it is further recommended that they be permitted to operate only under Government licences, and that all practicable measures be taken to abolish such agencies as soon as possible.

II

The General Conference recommends to the Members of the International Labour Organisation that the recruiting of bodies of workers in one country with a view to their employment in another country should be permitted only by mutual agreement between the countries concerned and after consultation with employers and workers in each country in the industries concerned.

III

The General Conference recommends that each Member of the International Labour Organisation establish an effective system of unemployment insurance, either through a Government system or through a system of Government subventions to associations whose rules provide for the payment of benefits to their unemployed members.

IV

The General Conference recommends that each Member of the International Labour Organisation co-ordinate the execution of all work undertaken under public authority, with a view to reserving such work as far as practicable for periods of unemployment and for districts most affected by it.

昭和9年6月23日

[五-3] 第18回ILO総会採択

失業保険及失業者ノ為ノ各種ノ扶助ニ関スル勸告

Recommendation 44

Recommendation concerning Unemployment Insurance and Various Forms of Relief for the Unemployed

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighteenth Session on 4 June 1934, and

Having decided upon the adoption of certain proposals with regard to unemployment insurance and various forms of relief for the unemployed, which is the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-third day of June of the year one thousand nine hundred and thirty-four the following Recommendation, which may be cited as the Unemployment Provision Recommendation, 1934 :

The Conference,

Having adopted a Convention ensuring benefit or allowances to the involuntarily unemployed ;

Considering that this Convention lays down the minimum conditions to be complied with by every scheme of unemployment insurance or assistance ;

Considering that it is desirable to indicate a number of general principles which practice shows to be best calculated to promote a satisfactory organisation of unemployment insurance and assistance ;

Recommends that each Member should take the following principles and rules into consideration :

1. In countries where compulsory insurance against unemployment is not in operation, steps should be taken to create such a system as soon as possible.

2. In countries in which compulsory or voluntary unemployment insurance is in operation, a complementary assistance scheme should be maintained to cover persons who have exhausted their right to benefit and in certain cases those who have not yet acquired the right to benefit ; this scheme should be on a different basis from the ordinary arrangements for the relief of destitution.

3. All schemes for the payment of unemployment benefit or allowances should cover not only persons who are wholly unemployed, but also persons who are partially unemployed.

4. (a) Unemployment insurance and assistance schemes should be applied as soon as possible to all persons who are employed under a contract of service, and to persons employed under a contract of apprenticeship with money payment. If, however, exceptions are considered necessary, they should be confined within the narrowest possible limits.

(b) Such persons should be covered either by insurance or assistance until they reach the age at which they are entitled to an old-age pension.

(c) If circumstances make it difficult to apply the general

provisions relating to unemployment insurance to a particular class of workers, special arrangements should be made for the insurance of such workers. These special arrangements should aim in particular at ensuring adequate proof of unemployment and at adapting the benefit to the normal earnings of the workers concerned.

(d) Whenever possible, and in particular whenever satisfactory measures of supervision can be applied, special provision should be made for the relief in case of unemployment of persons of comparatively small means who work on their own account.

5. Where it is considered advisable to fix a maximum remuneration as a criterion of liability to insurance, only such workers should thereby be excluded as are in receipt of remuneration sufficiently high for them to ensure their own protection against the risk of unemployment, the ultimate object being to include all workers, manual and non-manual, irrespective of income.

6. The qualifying period permitted by the Convention should not exceed 26 weeks' employment in an occupation covered by the scheme, or the payment of 26 weekly contributions or the equivalent, within twelve months preceding the claim for benefit, or alternatively 52 weeks' such employment, or 52 weekly contributions or the equivalent, within twenty-four months preceding the claim for benefit.

7. The period during which benefit is payable under national laws or regulations should be as long as is consistent with the solvency of the scheme ; and every effort should be made to pay allowances as long as claimants are in need of them.

8. Subject to the provisions concerning partially unemployed persons, of Articles 3 and 7 of the Convention, and of paragraph 3 of the present Recommendation, the waiting period permitted by the Convention should not exceed eight days per spell of unemployment.

9. In deciding whether employment in an occupation other than that in which a claimant has previously been engaged is "suitable employment" for the purpose of the disqualification permitted by the Convention, account should be taken of the length of the claimant's service in the previous occupation, his chances of obtaining work in it, his vocational training, and his suitability for the work.

10. Disqualification for the receipt of benefit or allowances on the ground that a claimant has lost his employment by reason of a stoppage of work due to a trade dispute should be confined to cases in which the claimant is directly interested in the dispute, and should in all cases cease when the stoppage of work ceases.

11. (a) The obligation to attend a course of vocational or other instruction permitted by the Convention as a condition for the receipt of benefit or allowances should be imposed only if the unemployed person will derive an advantage therefrom either from the point of view of physical or mental well-being or of vocational or general capabilities.

(b) When imposing on an unemployed person an obligation to accept employment on relief works, account should be taken of his age, health, previous occupation and suitability for the employment in question.

(c) Only works of an exceptional and temporary character, organised by the public authority by means of funds specially allocated for the relief of the unemployed, should be considered as relief works.

12. Part of the money allocated to the relief of unemployment should be available for the purpose of facilitating the return of unemployed persons to employment, such as vocational and other training, and the payment of fares to unemployed persons who find employment in a district other than that in which they have been residing.

13. There should be a periodical review by the competent authority of the financial position of insurance funds in order

that they may be kept as far as possible solvent and self-supporting. The financial arrangements should so far as possible include provisions to enable the scheme to surmount changes of short duration in the level of unemployment without change of the conditions governing the scheme.

14. An emergency fund should be created for the purpose of ensuring the payment, during periods of particularly severe unemployment, of the allowances provided for under national laws or regulations.

15. Provision should be made for the participation of representatives of the contributors in the administration of insurance schemes.

16. Equality of treatment should be applied in appropriate cases not only to the nationals of Members bound by the Convention but also to those of Members and States which, without having ratified the Convention, effectively apply its provisions.

17. States should regulate by means of bilateral agreements with neighbouring States the conditions under which benefit or allowances shall be paid to unemployed workers in frontier zones who have their residence in one country and who work in another.

昭和10年6月25日

[五-4] 第19回 ILO 総会採択

年少者ノ失業ニ関スル勸告

Recommendation 45

**Recommendation concerning Unemployment among
Young Persons**

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Nineteenth Session on 4 June 1935, and

Having decided upon the adoption of certain proposals with regard to unemployment among young persons, which is the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-fifth day of June of the year one thousand nine hundred and thirty-five the following Recommendation, which may be cited as the Unemployment (Young Persons) Recommendation, 1935 :

The Conference,

Recalling that it has on several occasions drawn the attention of Governments to the economic measures that should be adopted as a remedy for the general depression, as a result of which large numbers of workers are unemployed ;

Considering that this unemployment continues and affects a large number of young persons, whose involuntary idleness may undermine their characters, diminish their occupational skill, and menace the future development of the nations ;

Considering that the Conference at its Eighteenth Session adopted a Convention and Recommendation concerning unemployment insurance and various forms of relief for the unemployed which apply to young persons among others ;

Considering that many countries have adopted other measures to remedy a situation the gravity of which has rightly alarmed public opinion ;

Recommends, in the light of the experience already gained in this field, that each Member should apply the following principles and should submit to the International Labour Office a report stating the extent to which, and manner in which, the

said principles have been applied :

SCHOOL-LEAVING AGE ; AGE FOR ADMISSION TO EMPLOYMENT ;

GENERAL AND VOCATIONAL EDUCATION

1. The minimum age for leaving school and being admitted to employment should be fixed at not less than fifteen years, as soon as circumstances permit.
2. (1) Juveniles over the school-leaving age who are unable to find suitable employment should, where the organisation of the school allows, be required to continue full-time attendance at school until suitable employment is available for them.
(2) For the purpose of this paragraph the term "suitable" refers primarily to the continuity of the employment and to future prospects therein.
(3) For the purpose of applying this paragraph there should be close co-operation between the education, placing and unemployment insurance authorities.
3. For the purpose of this Recommendation, "juvenile" means a person under eighteen years of age.
4. In countries where compulsory education does not yet exist, it should be introduced as soon as possible in conformity with paragraphs 1 and 2.
5. Maintenance allowances should, if necessary, be granted to parents by the competent public authorities during the additional periods of education recommended in paragraphs 1 and 2.
6. The curricula for juveniles whose period of school attendance is prolonged by the application of the measures recommended above should be designed primarily to promote their general education, but should also provide general training for occupational activity.
7. (1) Measures should be adopted to encourage juveniles

with the necessary aptitudes to attend secondary or technical schools beyond the minimum school-leaving age.

(2) Exemption from the payment of fees or the reduction of fees would be suitable methods of applying this principle.

8. Juveniles who are no longer in full-time attendance at school should, until they reach the age of eighteen, be required to attend continuation courses providing a combination of general and vocational education.

9. (1) Where such attendance is not compulsory for all juveniles it should at least be made compulsory for unemployed juveniles, who should be required to attend for a prescribed number of hours every day or, where this is not possible, for a prescribed number of hours every week.

(2) In districts in which there is a sufficient number of unemployed juveniles special courses should be organised for them.

(3) Measures should be taken to enable juveniles who have attended courses organised in accordance with the two preceding sub-paragraphs to continue similar instruction if possible after having found work.

10. Any unemployed juvenile unable to show good cause for his having refused to attend the course which he is required to attend in application of paragraph 9 may, under suitable circumstances, be temporarily disqualified, entirely or partly, for the receipt of unemployment benefit and allowances.

11. (1) There should be organised for unemployed persons between the ages of eighteen and twenty-five vocational training centres in which some provision is made for general education. Whether these centres are residential or non-residential should be decided according to circumstances.

(2) These centres should be organised in co-operation with employers' and workers' organisations.

12. (1) The programmes of such centres should include, in addition to practical subjects, general courses of vocational

and cultural interest.

(2) The persons responsible for giving the courses at such centres should be suitably remunerated and should be selected with special care, as far as possible from among qualified unemployed young persons.

13. Persons attending a course or centre organised in application of paragraphs 9 or 11 should be allowed supplementary grants to cover their travelling and other necessary expenses.

14. In the case of persons unable to secure employment on the termination of secondary, technical or higher studies measures should be taken—

(a) to enable such persons to supplement their theoretical training by obtaining practical experience in industrial, commercial and other undertakings and in public administration, every precaution being taken to prevent such persons displacing regular workers ;

(b) to facilitate, by such methods as the provision of free courses and of study and research scholarships, +their continued attendance at the institution where they terminated their technical or higher studies or at some other institution of general or vocational education ;

(c) to give such persons information concerning overcrowded occupations and to assist them to counteract prejudices which constitute barriers to their occupational readjustment.

15. Special measures should be adopted to train a qualified staff for educational, recreational, social service and employment centres for the young unemployed. It would be appropriate for such training to be given in special centres to which unemployed young persons with the necessary qualifications are admitted.

RECREATIONAL AND SOCIAL SERVICES FOR THE YOUNG
UNEMPLOYED

16. (1) Measures for promoting the general and vocational education of the young unemployed should be accompanied by measures to facilitate the useful and agreeable utilisation of their spare time, such as the establishment of recreational centres, physical training centres, reading rooms, etc.

(2) Such centres should not be reserved for the exclusive use of the unemployed but should also, with a view to avoiding any systematic separation of employed and unemployed, be open to young employed persons.

(3) Such centres should be under the supervision of a qualified person, but their activities should be arranged as far as possible by co-operation with and among the young persons themselves.

17. In districts where there is a sufficient number of young unemployed, measures should be taken to establish social service centres and hostels where they can obtain board and lodging at low cost.

ACTION BY TRADE ORGANISATIONS AND PRIVATE
ORGANISATIONS

18. The public authorities should assist educational and other social services for the young unemployed organised by trade organisations and other associations.

SPECIAL EMPLOYMENT CENTRES

19. Where it is considered desirable to establish, for unemployed persons between the ages of eighteen and twenty-four inclusive, employment centres, the principal object of which is not to give vocational training but to provide work under other than normal conditions of employment, adequate safeguards should be adopted to prevent these abnormal con-

ditions resulting in abuses.

20. Attendance at employment centres should be strictly voluntary.

21. Every care should be taken to prevent centres, whether public or private, from becoming institutions for military training. Privately organised centres should be under the supervision of public civil authorities.

22. No person should be admitted to an employment centre unless he has been medically examined and found physically fit for the work proposed for him.

23. The strictest hygienic conditions should prevail in all centres.

24. Special attention should be devoted to living conditions and discipline. The organisation of the centres should be as far as possible such as to enable the young unemployed to govern themselves, particularly as regards discipline.

25. In order to enable the young persons to maintain regular contact with their families, centres should be as near to their homes as circumstances permit.

26. (1) The work programmes of the centres should be such as to avoid competition by the centres with workers in normal employment.

(2) In so far as possible, the work provided should be appropriate to the age, sex, strength and occupation of the persons concerned.

27. The remuneration of young persons employed at centres should include a cash payment, in addition to board and, where these are provided, working clothes and lodging.

28. Persons employed at centres should be admitted to social insurance schemes and the contributions due in respect of them should be payable by the centres.

29. Where there is no general scheme of compulsory accident compensation insurance, centres should, unless directly organised by public authorities, which act as their own

insurance carriers, cover their compensation liability by insurance.

30. (1) With a view to the inclusion in the programmes of centres of adequate provision for general education, vocational training, games, sports and free time, the time spent on productive work should be considerably less than forty hours per week.

(2) Centres should have libraries.

31. (1) There should be detailed regulations for the training and selection of the staff of centres, and members of centre staffs should have a thorough knowledge of social questions generally and of the problems of youth in particular.

(2) The staff of centres specially organised for young women should consist chiefly of women.

(3) Intermediate posts should in all possible cases be reserved for persons in attendance at the centres who are found to be suitably qualified.

(4) These centres should be placed under the supervision of a qualified person, but their activities should as far as possible be regulated by co-operation with and among the young persons themselves.

32. (1) A central supervisory council should be instituted for the purpose of general supervision over the employment centre system.

(2) The central supervisory council should include representatives of the most representative organisations of workers and employers and of the public department responsible for placing, public works, agriculture, public health, safety, education and for other aspects of the welfare of the young.

(3) Among these representatives there should be a certain number of women.

33. The central supervisory council or some other appropriate body should collaborate closely with the public employment exchanges with a view to placing in normal employment

the persons attending the centres.

34. Measures should be taken to develop team spirit among the persons attending the centres and to encourage them to form co-operative working groups for employment on land settlement schemes, public works, handicrafts, etc.

SPECIAL PUBLIC WORKS FOR UNEMPLOYED YOUNG PERSONS

35. (1) Special public works should be organised to assist unemployed young persons and such works should as far as possible be adapted to the age and occupation of such persons.

(2) For young unemployed persons who have terminated secondary, technical or higher studies, such works should be adapted as far as possible to the training of such persons.

(3) In so far as they are appropriate and possible, the safeguards recommended for Special Employment Centres should also be applied to public works organised to assist unemployed young persons.

PLACING AND DEVELOPMENT OF OPPORTUNITIES FOR NON-FATAL EMPLOYMENT

36. The national system of public employment exchanges should include special local and central arrangements for the placing of juveniles.

37. Placing services for juveniles—

(a) should seek to place juveniles in suitable occupations as defined in paragraph 2 (2) ; and

(b) should either include a vocational guidance department or be co-ordinated with independent bodies for vocational guidance.

38. Employers should be required to notify the local placing service for juveniles of vacancies for juveniles and of any engagements of juveniles which they have made without recourse to the placing service.

39. Placing services for juveniles should be required—

- (a) to supervise, in co-operation with vocational guidance services, apprenticeship committees and similar bodies, the results of the placings made, with a view to obtaining information likely to further the occupational prospects of juveniles; and
- (b) to maintain close relations with all other public and private institutions interested in young persons and notably with the education authorities.

40. In the development of placing services for young persons of eighteen years of age and over, provision should be made whenever possible for assisting such persons in their occupational readjustment.

41. Measures should be taken to transfer to expanding occupations and to districts in which such occupations are carried on young persons who are without employment in districts where the principal industries appear to be in permanent decline.

42. Governments should conclude agreements for the purpose of facilitating the international exchange of student employees, that is to say, of young persons desirous of improving their occupational qualifications by a knowledge of the customs of other countries.

43. Present attempts to promote re-employment by a reduction in ordinary hours of work should be pursued with special vigour in respect of employment in which young persons engage.

STATISTICS

44. (1) Unemployment insurance institutions, public employment exchanges, and other institutions which compile unemployment statistics should include in their statistics figures showing the extent of unemployment among persons below the age of twenty-five.

(2) These figures should be classified so as to show the

distribution of such unemployment according to—

- (a) sex;
- (b) age, juveniles and other young persons being classified separately;
- (c) occupation, persons who have never been in paid employment being classified separately and according to the occupation for which they have been trained or in which they have applied for employment.

45. For the purpose of supplementing such statistics, and in substitution for them where they do not exist, special enquiries should be made from time to time with a view to obtaining the above information and complementary information upon such matters as the length of unemployment and occupational history of the persons concerned.

46. Where the general census returns include information concerning unemployment, the returns should be analysed for the purpose of obtaining in so far as possible the information referred to in paragraph 44.

47. Until such time as the recommendation made in paragraph 1 is fully applied in the various countries, annual returns should be compiled showing the number of children still under the school-leaving age who during the year have been engaged in employment out of school hours. Such returns should be classified by sex, age group and occupation, and should give details of the days of the week and the seasons during which such employment was carried on, and the number and incidence of the hours of employment.