QUESTIONNAIRE I

International Labour Conference

TWELFTH SESSION
GENEVA, 1929

PREVENTION
OF INDUSTRIAL ACCIDENTS

Item I on the Agenda

GENEVA
International Labour Office
1928
At its 34th Session held in January 1927 the Governing Body of the International Labour Office placed the question of the prevention of industrial accidents, including accidents due to coupling on railways, on the Agenda of the Eleventh (1928) Session of the Conference, with a view to a first discussion in accordance with the present double discussion procedure as regulated by Article 6 (4)-(8) of the Standing Orders of the Conference.

The Eleventh Session accordingly had before it a Grey Report on the above question which had been prepared by the Office and which concluded with a draft Questionnaire. This Report and draft Questionnaire both treated the subject of accident prevention as a general industrial problem, with a view to a Recommendation, and also referred to a number of its special aspects which seemed to call for separate treatment, preferably by way of Draft Conventions.

The special points in question were the following:

(1) The question of the prevention of coupling accidents on railways;
(2) The question of indicating the weight on heavy packages transported by ship;
(3) The question of regulating the maximum weight of loads to be carried by workers;
(4) The protection against accidents of workers employed in loading and unloading ships;
(5) The prohibition of trade in unprotected machinery.

In view of the importance and variety of the questions thus submitted to it, the Eleventh Session first held a general discussion of the subject-matter of the Grey Report. As a result of this discussion the Conference appointed three separate Committees and distributed the subject-matter of the Grey Report between them. These Committees included, in addition to special Committees on the more technical questions of the prevention of coupling accidents on railways
and the protection of workers engaged in loading and unloading ships, a General Committee on accident prevention.

This last Committee was first asked to deal with those parts of the draft Questionnaire which related to the general problem of accident prevention, including the question of trade in unprotected machinery. By a later decision it was also asked to include in its programme the questions of the indication of the weight on heavy packages transported by ship and the regulation of the maximum weight of loads to be carried by workers; these two questions had originally been referred to the Committee on the protection of workers engaged in loading and unloading ships, but, at the request of this Committee, were transferred to the General Committee on accident prevention as being questions of a general character and not exclusively affecting dockers.

This general Committee was composed of 48 members, 16 from each group, and held 14 sittings. As a result of its work it submitted to the Conference a Report which contained a revised draft Questionnaire. This revised draft largely preserved the outlines and substance of the Office's draft, but incorporated a number of amendments on particular points. It thus contained two sections of questions on the general principles of accident prevention, with a view to a Recommendation, and separate questions on the indication of the weight on heavy packages transported by ship, with a view to a draft Convention or Recommendation. The Committee, however, proposed that no questions should be put on the other two points referred to it, viz. the regulation of the maximum weight of loads and trade in unprotected machinery.

When the Report of the Committee was discussed in the Conference; the Conference decided by 64 votes to 32 to amend the draft Questionnaire by including in it a question in place of that proposed in the Office's draft on trade in unprotected machinery, and with this amendment the Conference adopted the draft Questionnaire by 94 votes to 5. The Conference then decided by 123 votes, nem con, i.e., by the two-thirds majority required under Article 6 (5) of the Standing Orders and Article 402 (3) of the Treaty of Versailles, to put the question of the prevention of industrial

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1. The material parts of this Report are reproduced in Appendix A to the present volume.

2. A note on the discussion in the Conference on the Report is given in Appendix C to the present volume.
accidents as a separate item on the agenda of the Twelfth (1929) Session of the Conference for a second and final discussion.

The question on the agenda of the 1929 Session is thus the general problem of accident prevention comprising the two particular points referred to above. It does not include the special questions of coupling accidents on railways or the protection of workers engaged in loading and unloading ships, which, as already stated, were included in the item on the Agenda of the 1928 Session but which were dealt with by special Committees and separate decisions at that Session. The Conference, in fact, decided to place the latter of these two questions on the agenda of the 1929 Session as a separate item, and this question is accordingly being dealt with in another Red Book.

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In its Report the Committee observes that it leaves it to the Office to make any drafting alterations required in the Questionnaire. Similar observations were also made by the Chairman of the Committee when, in presenting the Report to the Conference, he indicated that the Committee had not settled the form of the Questionnaire, and expressed the opinion that it should be revised by the Office before being sent out to the Governments.

In view of these references to the desirability of its exercising the power conferred on it by Article 6 (6) of the Standing Orders to make "such drafting alteration as may be necessary", the Office has carefully examined the Questionnaire from this point of view. A number of verbal alterations, which do not affect the substance, have accordingly been made in the Questionnaire, more particularly in the English text, and the system of numbering the questions has been revised, though the order of the questions has not been changed. These alterations have been made simply in order to render the Questionnaire clearer and more workable, and so to facilitate the task of the Governments in formulating their replies and the work of the Office in comparing and analysing the replies.

So far as the text of the Questionnaire as proposed by the Committee and adopted by the Conference is concerned, the verbal alterations do not require any special mention. The re-drafting of the amendment to the Questionnaire made by the Conference during the discussion on the Report, however,
(Question 2, p. 11) is more important and should be brought to the notice of the Governments. In order to avoid any misunderstanding as to the scope of the amendment adopted by the Conference, it has been considered desirable to add to the note given in Appendix C (c.f. p. xiv) some explanation of the reasons for and the nature of the revised drafting which the Office has made.

Subject to these necessary drafting alterations the Questionnaire adopted by the Conference is submitted herewith to the Governments for their consideration and replies.

Geneva, 10 July 1928.
QUESTIONNAIRE.

A. I.

1. Do you consider that the International Labour Conference should adopt a Recommendation embodying the general principle that there is a moral obligation not only on employers and workers, but also on Governments and the general public to use their best endeavours and every means in their power to help to prevent industrial accidents?

2. Do you consider that a Recommendation concerning the prevention of industrial accidents should also deal with all practical measures required for putting into operation the principle indicated in the preceding question?

(a) Do you consider, in this connection, that the Recommendation should emphasise in the first place the need of organising constant and systematic research both for elucidating the causes of industrial accidents and for discovering the best methods of preventing them, such research to be undertaken primarily by official State institutions and public institutions of a similar standing, with the help of the interested parties, or by technical institutions set up by the different branches of industry?

(b) (i) Do you consider that the Recommendation should invite the States Members of the International Labour Organisation, with a view to the subsequent preparation of a Draft Convention, to keep in touch with the International Labour Office in compiling and developing the industrial accidents statistics for their respective countries, with a view to arriving at uniform bases which would as far as possible allow of a comparative study of the statistics of the different countries?
(ii) Have you any suggestions to make as regards the method of arriving at the desired result?
In particular, do you consider that particular branches of industry should first be dealt with, and if so, which?

(c) What other matters do you consider should be taken into account in scientific research into the prevention of industrial accidents?

(d) Do you consider that scientific research with the object of preventing industrial accidents should be concerned not only with the material conditions in the various establishments, but also with the human factor?

3. Do you consider that the Recommendation should contain a clause emphasising the great importance of co-operation between all the parties interested in the prevention of industrial accidents, including employers and workers, and inviting the States Members to do all in their power to develop and encourage such co-operation?

4. Do you consider that the Recommendation should contain provisions to the effect that the responsibility for taking protective measures and in particular for the equipment and upkeep of workplaces rests with the employers?

5. Do you consider that the Recommendation should also draw the attention of the workers to the fact that by their conduct in the workplace they can and should contribute to a large extent to the success of protective measures, and that it accordingly rests with the workers' organisations to co-operate in the education of their members in order to safeguard them from industrial accidents?

6. Do you consider that, in order to further the co-operation between all the interested parties referred to in Question 3 above, the Recommendation might usefully invite the States Members to take the following measures:

(a) To encourage, with a view to educating the people, instruction in the problems of the prevention of accidents, including first aid hygiene, in elementary schools and continuation schools;
(b) To see that pupils in technical schools and polytechnics receive adequate instruction in methods of accident prevention, and that their attention is drawn to the importance of accident prevention both from the economic and moral standpoints, so that when they come subsequently to hold posts in industry they may pay special attention to the work of accident prevention;

(c) To maintain the interest of pupils in accident prevention after they have left school and entered industry, by means of lectures, cinema films, and visits to undertakings, and to encourage the creation of safety museums and the giving of practical instruction in them;

(d) To increase the contribution to the furtherance of accident prevention which can be made by methods of vocational guidance and selection, by encouraging scientific research into these methods and their practical application?

7. Do you consider that the Recommendation should refer to the great importance of organising immediate first aid or medical treatment in industrial plants and workplaces?

II.

1. Do you consider that the Recommendation should embody the principle that the law should prescribe regulations for ensuring a minimum standard of safety?

2. In this connection, should provision be made on the following lines as regards employers:

(a) That the employer is bound to equip and manage his undertaking in such a way that the workers are sufficiently protected, regard being had to the nature of the undertaking and the state of technical progress;

(b) That plans for the construction or alteration of industrial undertakings are to be submitted, before the work is taken in hand, for examination by the factory inspectorate or other competent authority in the matter, in order that it may be ascertained whether the plans are such as to satisfy the safety regulations;
(c) (i) That whatever bodies are responsible for supervising the enforcement of the laws and regulations concerning the protection of the workers against accidents are to be empowered to give orders in the individual case to the employer as to the steps to be taken by him to fulfil his obligations, subject to a right of appeal to an authority specially organised for this purpose;

(ii) If so, should the responsible body be empowered in cases of imminent danger to require immediate compliance with the orders, notwithstanding the right of appeal?

(iii) If the answer to (i) is in the negative, what system do you recommend for ensuring that the laws and regulations are enforced?

(d) (i) That, in countries where there is a system of insurance against industrial accidents administered by or under the direction of the State, the industrial accident insurance institutions should be

(1) empowered, or
(2) required,
to take into account, for the fixing of premiums, the measures taken in the various undertakings for the protection of the workers?

(ii) What further importance do you ascribe to accident insurance or workmen's compensation in the matter of accident prevention, and in what way, in your opinion, could accident insurance institutions or accident insurance companies contribute effectively to furthering the work of accident prevention?

3. Do you consider that legal provisions should be adopted to associate the workers with the work of accident prevention and to regulate the part which they should take?

(a) If so, with what matters do you consider that such legal provisions should deal, and what proposals have you to make on these matters?

(b) Do you consider, in particular, that such legal provisions should—
(i) contain rules defining the duty of the workers to comply with the laws and regulations on accident prevention;

(ii) provide for the participation of the workers in framing such provisions and supervising their observance?

(c) If the answer to (b) (ii) above is in the affirmative, in what ways (possibly varying according to the particular circumstances of each industry and the size of undertakings, etc.) do you consider that the participation of the workers could be carried out?

B.

1 (a) Are you in favour of a Draft Convention or of a Recommendation to make it compulsory for the sender to indicate the weight on heavy packages transported by vessels?

(b) If so, what limit should be fixed above which the weight should be marked on the packages?

2. Are you in favour of a Draft Convention or of a Recommendation to the effect that provision should be made by national laws or regulations making any firm or person within the country concerned supplying or installing power driven machinery for use within that country (without prejudice to the responsibility of the employer using such machinery) responsible for seeing that such machinery complies with any safety regulations laid down by the national laws or regulations in respect of machinery of that type?
Appendix A.

REPORT OF THE GENERAL COMMITTEE ON ACCIDENT PREVENTION TO THE ELEVENTH SESSION OF THE CONFERENCE *.

The General Committee on accident prevention was appointed by the Conference on 2 June at the morning sitting. On the afternoon of the same day the members of the Committee, 48 in number, or 16 from each Group, were appointed.

Sir Malcolm Delevingne, British Government Delegate, was elected Chairman, Mr. Forbes Watson, adviser to the British Employers' Delegate, and Mr. Sachs, adviser to the German Workers' Delegate, were appointed Vice-Chairmen. The Chairman of the Committee, Sir Malcolm Delevingne and Mr. A. Tzaut, adviser to the Swiss Government delegation, were appointed joint Reporters.

The Committee sat on 14 occasions. It had to consider the report of the International Labour Office on the prevention of industrial accidents, and in particular Parts I and II, as well as Question 5 of Part III of the draft Questionnaire. As the Committee came within sight of the completion of its work, it was further requested to consider Questions 2 and 3 of Part III of the draft Questionnaire.

* The Report of the Committee is in two distinct parts. The first part relates to the Committee's work on the draft Questionnaire proposed by the Office, and the second part deals with the "Safety First" movement and contains a resolution setting out the principles on which the new movement is based. Though this resolution is part of the result of the Committee's work within the scope of its terms of reference, it was expressly separated by the Committee from its work on the Questionnaire as not being matter on which the Governments were to be consulted for the purposes of the 1929 Session of the Conference but as representing certain immediate conclusions of the Committee on the subject of accident prevention which were to be communicated apart to the Governments with a view to their early application in the different countries. The two parts of the Report were accordingly dealt with separately by the Conference, separate votes being taken on the draft Questionnaire and on the "Safety First" resolution. In these circumstances the part of the Report relating to the "Safety First" resolution is not reproduced in the present volume, as the resolution is being communicated separately to the Governments in accordance with the intentions of the Conference.
The Committee has the honour to submit to the Conference the result of its consideration of the draft Questionnaire*. In this report mention is made only of such changes in the text prepared by the International Labour Office as are important. It is understood that the Office will make any drafting alterations which might be required in the Questionnaire before forwarding it to the Governments.

**PART I.**

*Question 2, paragraph (3).* — In view of the serious difficulties attending the establishment of uniform international statistics, the Committee proposes to modify the text of the draft Questionnaire and to limit it to the question of finding certain uniform bases which would permit, as far as possible, a comparative study of the statistics of the various countries.

A fresh paragraph is proposed by which Governments are to be asked to indicate whether scientific research into the question of accident prevention should deal not merely with the external factors contributing to the causes of accidents, such as the employment of dangerous machines, the handling of heavy objects, etc., but also with the factors arising from the physical or mental condition of the workers, such as fatigue, special conditions created by the hygienic conditions in which they work, etc.

*Question 6 (a).* — The Committee considers that Governments should be asked whether, while it is important to give instruction in accident prevention in general, it is also desirable to teach the population that the first aid given to injured persons after an accident is of prime importance as regards the consequences which may be involved. An addition in this sense is consequently proposed to paragraph (a) of Question 6.

*Question 6 (b).* — The text proposed by the International Labour Office raised the question whether pupils in technical schools should be fully acquainted with the

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*To facilitate the references contained in the Report to the draft Questionnaire prepared by the Office in the Grey Report, this draft is reproduced in Appendix B.*
methods of preventing accidents. The view was expressed in the Committee that the programmes of technical schools are already so heavy that it would not be possible to include full instruction in accident prevention. Further, pupils in these schools could not derive full benefit from such instruction, since the necessary preparation is generally lacking. Only in workshops by practical work can such preparation be acquired. No more can be done, therefore, than to give safety instruction to the extent to which it can be assimilated by the pupils. What is of importance is that their interest in this question should be thoroughly awakened, and that they should have sufficient acquaintance with the question to be able to give it all the attention it merits when they enter upon practical work.

Question 6 (c). — The Committee proposes that this paragraph should be made more definite than the text of the draft of the International Labour Office.

The Committee also decided to propose the inclusion of a further paragraph (d) under Question 6, on the subject of maintaining, by various means, the interest of pupils in the prevention of accidents after they have entered industry.

The great importance of first aid for the victims of accidents was appreciated by the Committee, which proposes to add a seventh Question on this subject to Part I.

PART II.

Question 2 (c). — This part of the Questionnaire is concerned with the application of the law referred to in Question I, Part II, and the supervision of its application. The text proposed by the International Labour Office was inspired by the legislative provisions in certain countries. In the view of the Committee, these questions should be framed so as to embrace all the forms which legislation in the different countries might assume. The term "factory inspectors" is therefore replaced by a more general phrase, and other definite terms are altered.

(1) Two important questions are raised by this paragraph. The first is that of the extent to which the super-
visory authorities should be competent to order employers to take safety measures. Two points of view were expressed. The first was that the supervising authority should only be entrusted with the application of measures expressly laid down by laws or regulations. The second point of view was that greater liberty should be accorded to the supervising authority, which should be authorised to order special measures to be taken when required by circumstances. The Committee decided to include a question as to whether the Governments considered that the suggested powers should be given.

The second question is the question of the guarantees which employers should have against possible mistakes, abuse of authority or lack of technical competence on the part of the supervising authority. The possibility of appeal should be given, but the question of the authority to whom appeal should lie is highly important for those concerned. The draft Questionnaire of the International Labour Office provided that appeal should lie to the Department by which the factory inspectorate is administered, i.e. an administrative authority having nothing to do with the ordinary courts. The Committee was in favour of the raising of this question, at the same time speaking in more general terms of an authority specially organised for the purpose of judging such appeals, or, in other words, an authority consisting of technical experts or with technical advice at its disposal.

(2) Cases occur in practice where it is absolutely necessary to take safety measures and where it is inadmissible that an employer by the mere act of appealing should allow a state of things to go on which seriously endangers the health or the life of his workers, e.g. the danger of a scaffolding collapsing, of a landslide in a quarry or gravel pit, of explosion of a container which is too weak to withstand the pressure to which it is subjected, etc. The Committee proposes that the Governments should be asked whether provision should be made for such special cases and the urgent measures for which they call, in a text slightly differing from that contained in the Office draft.

(3) Question 3 (c) is concluded by a general question, in reply to which Governments may propose any other
solution considered appropriate to the object in view. This question would replace that in the Office draft.

**Question 2 (d).** — The Committee is of opinion that Governments should be asked whether the help of such accident insurance societies and institutions as are primarily interested in the prevention of accidents should be enlisted more than has hitherto been the case, and proposes a new question on this subject.

**Question 3.** — In view of the importance of the collaboration of the workers in accident prevention, it is proposed to modify the original draft Questionnaire so as to obtain from the Governments less restricted answers and more numerous and varied suggestions.

The question of the advisability of requiring the workers to conform to the laws and regulations on accident prevention was raised, and it was decided to ask the Governments whether they consider that the law should define the duty of the workers to comply with the safety laws and regulations.

**PART III.**

**Question 2.** — The Committee recommends that this question should be adopted with a slight amendment making it clear on whom the obligation to indicate the weight should be incumbent, and omitting any reference to the minimum weight above which the weight should be indicated.

**Question 3.** — The Committee were of opinion that the information at present available on the subject referred to in this question is not sufficient to enable any conclusion to be reached, and decided to recommend that the subject should be referred to the Governing Body for further examination and that no question should be asked on the subject.
Question 5. — The question of prohibiting trade in machinery not complying with the safety regulations in force gave rise to prolonged discussion. Information was given by the Government Representative of one country (Denmark) in which a measure of the kind has been adopted, as to the working of the system. While it will be generally recognised as desirable that machinery should be made as safe as possible before it is placed on the market, the proposal presents numerous difficult problems for which the Committee do not think it possible at present to find a practical solution.

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The Employers' Representatives on the Committee desired that the following explanation of their position should be included in the Report.

The Employers' Representatives on the Committee felt it necessary, in order to avoid misunderstanding at next year's discussions, to state and explain their opposition to the principles raised in many of the questions in the Questionnaire now submitted to the Conference:

These objections included among others the following:

Part I (1). — The introduction of a reference to the general public and the failure of the question to take account of the economic and technical limitations in relation to the means to be taken to prevent industrial accidents.

Part II (2) (b). — The suggestion that an employer while constructing or altering his works in accordance with the Factory laws and regulations in his country should be bound to submit the plans for such construction and alteration either to the Factory Inspectorate or any other such body.

Part II (2) (c) (i, ii, iii). — The suggestion that a Factory Inspector or any authority other than the legislature of the country should have power to issue orders
prescribing the steps which the employer must take as carrying out his obligations under the law.

Part II (3) (b) and (c). — The suggestion that legal provision should be laid down giving the workers either as individuals or through Committees or other organised bodies the right to participate in factory inspection and thereby interfere with the managerial functions of the employer.

The questions included in the Questionnaire now presented to the Conference are not put forward as the unanimous decision of the Committee as they were carried in the majority of cases against a substantial minority.

The Workers' Representatives on their side desired the insertion of the following explanation of their position:

Many of the fundamental demands of the Workers' Group in the Committee failed to find acceptance. The Workers' Group consequently desires that the more important demands which were rejected should be mentioned. These were as follows:

1. The prevention of industrial diseases and other injuries to health should be considered jointly with accident prevention.

   It is to be observed in this connection that the representative of the American Safety First Council, in reply to a question, stated that special attention was paid to this problem by the Safety First Council of the United States as part of the general campaign against accidents.

2. The workers' organisations should be specially mentioned in the Questionnaire as one of the responsible bodies whose co-operation in accident prevention would be effective.

3. The Workers' Group consider it of fundamental importance that the proposal made by one of the Government Representatives should be adopted, according to which each State would do its utmost to lay down the
necessary conditions of safety to be fulfilled by machines before their sale.

To their regret, therefore, the Workers’ Group are obliged to state that the results of the deliberations in the Committee do not entirely correspond with their expectations.

(signed) MALCOLM DELEVINGNE,
Chairman.

A. TZAUT,
Reporter.
Appendix B.

DRAFT QUESTIONNAIRE SUBMITTED TO THE ELEVENTH SESSION OF THE CONFERENCE IN THE GREY REPORT.

I.

1. Do you consider that the International Labour Conference should adopt a Recommendation embodying the general principle that it is the duty not only of employers and workers but also of Governments and the general public to use their best endeavours and every means in their power to help to prevent industrial accidents?

2. Do you consider that a Recommendation concerning the prevention of industrial accidents should also deal with the practical measures required for putting into operation the principle indicated in the preceding Question?

   Do you consider, for example, that the Recommendation should emphasise, in the first place, the need of organising constant and systematic research both for elucidating the causes of industrial accidents and for discovering the best methods of preventing them, to be undertaken primarily by official State institutions having the assistance of all the interested parties but also by experimental stations for the different branches of industry?

   Do you consider that the Recommendation should invite the States Members of the International Labour Organisation, with a view to the preparation of a Draft Convention concerning the establishment of international statistics of industrial accidents, to establish and develop industrial accident statistics for their respective countries and keep in touch as far as possible with the International Labour Office in the matter?

   What other matters do you consider should be taken into account in scientific research into the prevention of industrial accidents?

3. Do you consider that the Recommendation should contain a clause emphasising the great importance of co-operation between all the parties interested in the prevention of industrial accidents, and inviting the States Members to do all in their power to develop and encourage such co-operation? Do you consider that, in addition to employers and workers, the following should be joined in this co-operation: the Governments, including their administrative departments (in particular the authorities responsible for the supervision of building), and the different institutions for educational purposes, vocational guidance, and the placing of apprentices?
4. Do you consider that the Recommendation should contain provisions to the effect that the responsibility for taking protective measures and in particular for the equipment and upkeep of workplaces rests primarily with the employers, to whom it is open to create suitable organisations for their mutual assistance and to share with one another the results of their experience?

5. Do you consider that the Recommendation should also draw the attention of the workers to the fact that by their conduct in the workplace they can and should contribute to a large extent to the success of the protective measures taken, and that it is accordingly the duty of the workers' organisations to educate their members in order to safeguard them against industrial accidents?

6. Do you consider that, in order to amplify the principle indicated in Question 3 above, i.e. the need of ensuring co-operation between all the interested parties, the Recommendation might usefully deal in more detail with the services which should be rendered by schools and institutions for vocational guidance and the placing of apprentices, by inviting the States Members to take the following measures:

(a) To develop and encourage instruction in the problems of the prevention of industrial accidents in elementary schools, continuation schools and technical schools, with a view to educating the whole population, as a means of avoiding such accidents;

(b) To see that pupils in technical schools and polytechnics are fully acquainted with the methods of preventing industrial accidents, so that when they come subsequently to hold posts as foremen or engineers they can apply their knowledge to effect for obviating such accidents;

(c) To allow institutions for vocational guidance and the placing of apprentices to take account to a considerable extent of the exigencies of the prevention of industrial accidents?

II.

1. Do you consider that the Recommendation should further embody the general principle that legal provision should be made on general lines enabling each State to prescribe a minimum of industrial safety when no action has been taken by the persons concerned?

2. Should provision be made, for example, on the following lines as regards employers:

(a) That the employer is bound by law to equip and manage his undertaking in such a way that the workers will be protected so far as the nature of the undertaking allows;

(b) That plans for the construction or alteration of industrial undertakings are to be submitted before the work is put into execution for examination by the factory inspectorate or other
competent authority in the matter, in order that it may be ascertained whether the plans are such as to satisfy the requirements for the prevention of accidents;

(c) (1) That, with a view to the effective enforcement of the laws and regulations on the prevention of accidents in industrial undertakings, factory inspectors or the other competent authorities (who should, however, be guided by the views of the inspectors) are to be empowered to issue in any individual case—subject to a decision to the contrary being taken by the Department to which the officials are subordinate and to which the employer may appeal against the instructions given by them—orders having the force of law prescribing what the employer must do to comply with the laws and regulations in question;

(2) If so, should the factory inspector be empowered in cases of imminent danger to refuse permission to suspend execution of his orders in the event of an appeal?

(3) If not, do you consider that the Conference should adopt a Recommendation inviting the States Members of the International Labour Organisation to entrust the duty of prescribing the requirements to be complied with to the factory inspectors or to an arbitral tribunal composed of experts?

(d) That industrial accident insurance institutions should be

(1) empowered, or

(2) required

to vary the premiums in individual cases according to the degree of safety of the different undertakings, with special reference to whether they possess an efficient safety committee or not?

3. Do you consider that the part to be taken by the workers in accident prevention should be regulated by legal provisions:

(a) making it the duty of the workers to comply with the laws and regulations on accident prevention;

(b) fixing the methods of participation by the workers in factory inspection (if the reply on this point is the affirmative, do you consider that the workers' unions should be given the right to make proposals? Do you propose a different system and, if so, what?)

(c) establishing a legal basis for the duties and powers of safety committees and safety shop stewards in the different undertakings?

III.

2. Are you in favour of the adoption of a Draft Convention to make it compulsory to indicate their weight on heavy packages transported by ship?

The maximum above which an indication of the weight should be compulsory might perhaps be fixed at 1,500 kilograms for packages
loaded or unloaded in seaports and 500 kilograms for those so dealt with in inland ports. Do you propose other figures, and, if so, what?

3. Do you consider that the International Labour Conference should adopt a Draft Convention to regulate internationally the maximum weight of sacks to be carried by various categories of workers? Should this maximum weight be fixed at 75 kilograms?

5. Are you in favour of the adoption of a Draft Convention which would require the States Members of the International Labour Organisation which ratified it to prohibit trade, including export trade, in machinery which has not been found to satisfy the conditions imposed by the regulations on accident prevention in force in their respective countries?

If not, what other action do you propose the International Labour Organisation should take on the question of trade in unprotected machinery?
Appendix C.

Note on the discussion in the Conference on the Report of the Committee.

The Report of the General Committee on accident prevention was presented to, and discussed by, the Conference at its 21st sitting on 15 June 1928.

The general discussion on the Report was chiefly characterised, apart from references to conditions in individual countries, by a re-statement of certain criticisms of the draft Questionnaire which had already been expressed in the Committee and which are indicated in the Committee's Report, more particularly in the passages giving explanations of the positions of the employers' and workers' representatives respectively in regard to the Questionnaire.

No amendments were proposed to Parts I and II of the draft Questionnaire, which were adopted nem con.

On Part III an amendment was proposed by a Government representative, viz. to include the following question:

"Are you in favour of a Draft Convention or Recommendation to the effect that any firm or person supplying power driven machinery for use within the country or installing such machinery in the country should be made responsible for seeing that it complies with the requirements of the national law?"

An amendment on these lines had already been proposed in the Committee as an addition to the question under point 5 in the Office's draft (relating to trade in unprotected machinery), but the Committee had decided to delete the whole question in its revised draft.

The mover of this amendment, who referred to a provision in the Factory Act of her country on which the proposal was based, emphasised that the scope of the proposal differed considerably from that of the original question in the Office's draft. In the first place, the proposal did not affect machinery exported from the country,
but applied only to machinery used in the country. Secondly, it made both the supplier (manufacturer or dealer) and installer responsible for seeing that the machinery complied with the safety regulations of the country. And, thirdly, it referred only to power driven machinery, thus excluding machinery driven by hand or foot. The proposal did not touch the question of uniform international safety standards, but left the individual country free to prescribe such safety regulations as it thought fit, and indicated a method of simplifying the enforcement of the safety regulations within the country.

This amendment was supported by three Government representatives as a question on which the Governments might usefully be consulted, and opposed by two employers' representatives. The amendment was adopted by 64 votes to 32.

Part III of the draft Questionnaire as thus amended was then adopted, and the whole draft was then put to the vote and adopted by 94 votes to 5.

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It would appear from one or two observations made in the discussion on the amendment referred to above that, notwithstanding the explanations given by its author, there may have been some misunderstanding as to its object, e.g. as to whether it implied the prohibition of the importation of machinery which did not comply with the safety requirements of national law, or was intended to supersede the employers' responsibility for seeing that the machinery he used complied with these requirements.

It seems clear that in the mind of its author no such implications were intended, but that the object of the amendment was to deal only with machinery manufactured in the country or which was already in the hands of dealers or installers in the country, and that the responsibility to be put on manufacturers, dealers and installers was not to relieve the employer using the machinery of his responsibility, which would remain, but was to be an additional means of enforcing the safety requirements. In order, therefore, to avoid the recurrence of any similar
misunderstanding on these points in the minds of the Governments, the Office has felt it desirable to redraft the question adopted by the Conference as follows:

Are you in favour of a Draft Convention or of a Recommendation to the effect that provision should be made by national laws or regulations making any firm or person within the country concerned supplying or installing power driven machinery for use within that country (without prejudice to the responsibility of the employer using such machinery) responsible for seeing that such machinery complies with any safety requirements laid down by the national laws or regulations in respect of machinery of that type?