

特殊ノ労働者募集制度ノ規律ニ關スル條約

一五四六

(定訳)

## 特殊ノ労働者募集制度ノ規律ニ關スル條約(※)

昭和十一年六月二〇日ジュネーヴで採択  
昭和十四年九月八日効力発生

昭和十三年七月二十七日批准  
昭和十三年九月八日批准登録  
昭和十四年九月九日効力発生  
昭和十三年一〇月二十八日公布(条約第七号)

前文

國際労働機關ノ總會ハ

國際労働事務局ノ理事會ニ依リ「ジュネーヴ」ニ招集セラレ千九百三十六年六月四日其ノ第二十回會議トシテ會合シ

右會議ノ會議事項ノ第一項目タル特殊ノ労働者募集制度ノ規律ニ關スル提案ノ採擇ヲ決議シ且

該提案ハ國際條約案ノ形式ニ依ルベキモノナルコト

## CONVENTION CONCERNING THE REGULATION OF CERTAIN SPECIAL SYSTEMS OF RECRUITING WORKERS

*Adopted at Geneva, June 20, 1936*  
*Entered into force, September 8, 1939*

*Ratified, July 27, 1938*  
*Ratification registered, September 8, 1938*  
*Entered into force, September 9, 1939*  
*Promulgated, October 28, 1938*

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 Twentieth Session on 4 June 1936, and

Having decided upon the adoption of certain proposals with regard to the regulation of certain special systems of recruiting workers, which is the first item on the Agenda of the Session, and

Having determined that these proposals shall take

ヲ決定シ

千九百三十六年ノ土民労働者募集條約ト稱セラルベキ  
左ノ條約案ヲ千九百三十六年六月二十日採擇ス

## 第一條

土民労働者  
募集の  
規律

本條約ヲ批准スル國際労働機關ノ各締盟國ハ土民労働者ノ募集ガ存在シ又ハ將來存在スルコトアルベキ各地域ニ於テ左ノ規定ニ從ヒ其ノ募集ヲ規律スルコトヲ約ス

## 第二條

募集及び  
土民労働者  
の定義

本條約ニ於テ

(1) 「募集」ト稱スルハ勞務地、公ノ移民事務所若ハ職業紹介所又ハ使用者團體ニ依リ經營セラレ且權限アル權力ニ依リ監督セラルル事務所ニ於テ自發的ニ自己ノ勞務ヲ提供スルニ非ザル者ノ労働ヲ得又ハ供給スル目的ヲ以テ行ハルル一切ノ行爲ヲ包含ス

特殊ノ労働者募集制度ノ規律ニ關スル條約

the form of a Draft International Convention,  
adopts, this twentieth day of June of the year one thousand nine hundred and thirty-six, the following Draft Convention which may be cited as the Recruiting of Indigenous Workers Convention, 1936:

## Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to regulate in accordance with the following provisions the recruiting of indigenous workers in each of its territories in which such recruiting exists or may hereafter exist.

## Article 2

For the purposes of this Convention:

(a) the term "recruiting" includes all operations undertaken with the object of obtaining or supplying the labour of persons who do not spontaneously offer their services at the place of employment or at a public emigration or employment office or at an office conducted by an employers' organisation and supervised by the competent authority;

(d) 「土民労働者」ト稱スルハ本機關ノ締盟國ノ屬地ノ土民ニ屬シ又ハ之ニ類似スル労働者及本機關ノ締盟國ノ本土ノ非自立土民ニ屬シ又ハ之ニ類似スル労働者ヲ包含ス

### 第三條

本條約の適用に對する除外例  
權限アル權力ハ、職業的募集ニ從事スル個人又ハ團體ニ依リ行ハルル場合ヲ除クノ外左ノ種類ノ募集行爲ヲ本條約ノ適用ヨリ除外スルノ政策ノ採用ヲ望マシトスル事情アル場合ニ於テハ右除外ヲ爲スコトヲ得

- (i) 所定制限數ヲ超ユル労働者ヲ使用スルニ非ザル使用者ニ依リ又ハ其ノ者ノ爲ニ行ハルル行爲
- (ii) 勞務地ヨリ所定制限圏内ニ於テ行ハルル行爲
- (iii) 個人的及家庭的の使用人竝ニ非筋肉労働者ノ雇入ノ爲ノ行爲

### 第四條

(b) the term "indigenous workers" includes workers belonging to or assimilated to the indigenous populations of the dependent territories of Members of the Organisation and workers belonging to or assimilated to the dependent indigenous populations of the home territories of Members of the Organisation.

### Article 3

Where the circumstances make the adoption of such a policy desirable, the following classes of recruiting operations may, except when undertaken by persons or associations engaged in professional recruiting, be exempted from the application of the Convention by the competent authority:

- (a) operations undertaken by or on behalf of employers who do not employ more than a prescribed limited number of workers;
- (b) operations undertaken within a prescribed limited radius from the place of employment; and
- (c) operations for the engagement of personal and domestic servants and of non-manual workers.

### Article 4

労働者募集を伴う  
経済開発計画承認  
の条件

労働ノ募集ヲ伴フコトアルベキ經濟開發計畫ヲ或地域ニ付承認スルニ先チ權限アル權力ハ實行可能且必要ナルベキ左ノ措置ヲ執ルベシ

(イ) 必要ナル労働ヲ得ル爲使用者ニ依リ又ハ其ノ者ノ爲壓迫ノ危險が關係住民ニ加ヘラルコトヲ避クルコト

(ロ) 關係住民ノ政治的及社會的組織竝ニ新經濟狀態ヘノ順應力ガ労働ノ需要ニ依リ危殆ナラシメラレザルコトヲ能フ限り保障スルコト

(ハ) 前記經濟開發ガ關係住民ニ及ボスコトアルベキ其ノ他ノ不都合ナル影響ヲ豫防スルコト

#### 第五條

一 或地域ニ於ケル労働募集ノ許可ヲ與フルニ先チ權限アル權力ハ成年男子ノ退去ガ關係住民ノ社會生活ニ及ボスコトアルベキ影響ヲ考慮ニ入ルベク且特ニ左記ヲ考慮スベシ

特殊ノ労働者募集制度ノ規律ニ關スル條約

(条二〇・文化 社会三)

Before approving for any area any scheme of economic development which is likely to involve the recruiting of labour, the competent authority shall take such measures as may be practicable and necessary:

(a) to avoid the risk of pressure being brought to bear on the populations concerned by or on behalf of the employers in order to obtain the labour required;

(b) to ensure that, as far as possible, the political and social organisation of the populations concerned and their powers of adjustment to the changed economic conditions will not be endangered by the demand for labour; and

(c) to deal with any other possible untoward effects of such development on the populations concerned.

#### Article 5

1. Before granting permission to recruit labour in any area, the competent authority shall take into consideration the possible effects of the withdrawal of adult males on the social life of the population concerned, and in particular shall consider:

成年男子の退去の  
社會的影響  
を考慮する

- (イ) 人口ノ密度、其ノ増加又ハ減少ノ傾向及成年男子ノ退去が出産率ニ及ボスコトアルベキ影響
- (ロ) 成年男子ノ退去が特ニ食糧ノ供給ニ關聯シ關係住民ノ健康、福利及發展ニ及ボスコトアルベキ影響
- (ハ) 成年男子ノ退去ニ基ク家族及道德ニ對スル危險
- (ニ) 成年男子ノ退去ガ關係住民ノ社會組織ニ及ボスコトアルベキ影響

二 權限アル權力ハ、成年男子ノ退去ノ不都合ナル結果ニ對シ關係住民ヲ保護スル爲、一定ノ社會的單位ニ於テ殘存スル成年男子ノ數ガ成年男子ノ婦人及兒童ニ對スル通常ノ割合トシテノ所定率ヲ下ラザル様其ノ單位ニ於テ募集セラルベキ成年男子ノ最大限度數ヲ定ムルノ政策ノ採用ヲ實行可能且必要ナラシムル事情アル場合ニ於テハ右ノ最大限度數ヲ定ムベシ

第六條

- (a) the density of the population, its tendency to increase or decrease, and the probable effect upon the birthrate of the withdrawal of adult males;
- (b) the possible effects of the withdrawal of adult males on the health, welfare and development of the population concerned, particularly in connection with the food supply;
- (c) the dangers to the family and morality arising from the withdrawal of adult males; and
- (d) the possible effects of the withdrawal of adult males on the social organisation of the population concerned.

2. Where the circumstances make the adoption of such a policy practicable and necessary, the competent authority shall, in order to safeguard the populations concerned against any untoward consequences of the withdrawal of adult males, fix the maximum number of adult males who may be recruited in any given social unit in such manner that the number of adult males remaining in the said unit does not fall below a prescribed percentage of the normal proportion of adult males to women and children.

Article 6

未成年者  
募集禁止  
の原則及  
びその例

家族

未成年者ハ募集セラレザルベキモノトス但シ権限アル  
権力ハ所定ノ年齢ヲ超ユル未成年者ガ其ノ福利ノ爲ノ  
所定ノ保護ヲ條件トシテ輕易労働ニ使用セラルル爲其  
ノ両親ノ同意ヲ得テ募集セラルルコトヲ許可スルコト  
ヲ得

#### 第七條

一 家長ノ募集ハ其ノ家ニ屬スル者ノ募集ヲ包含スト  
看做サレザルベキモノトス

二 権限アル権力ハ、被募集労働者ニ對シ就中家庭ヨ  
リ遠距離ニ於テ且一定期間ヲ超ユル期間農業又ハ類  
似ノ勞務ノ爲募集セラルル労働者ニ對シ其ノ家族ヲ  
同伴スルコトヲ獎勵スルノ政策ノ採用ヲ實行可能ナ  
ラシメ且望マシカラシムル事情アル場合ニ於テハ右  
ノ獎勵ヲ爲スベシ

三 關係者ノ明示ノ要求アル場合ヲ除クノ外被募集勞  
働者ハ勞務地ニ同行シ且其ノ者ト共ニ留ルコトヲ許  
容セラレタル妻及未成年ノ子ト別居セシメラレザル  
ベキモノトス

四 募集地ヨリ當該労働者ガ出發スルニ先チ反對ノ契

特殊ノ労働者募集制度ノ規律ニ關スル條約

(条二〇・文化・社会三)

Non-adult persons shall not be recruited: Provided that  
the competent authority may permit non-adults above a  
prescribed age to be recruited with the consent of their  
parents for employment upon light work subject to prescrib-  
ed safeguards for their welfare.

#### Article 7

1. The recruiting of the head of a family shall not be  
deemed to involve the recruiting of any member of his  
family.

2. Where the circumstances make the adoption of such  
a policy practicable and desirable, the competent authority  
shall encourage recruited workers to be accompanied by  
their families, more particularly in the case of workers  
recruited for agricultural or similar employment at a long  
distance from their homes and for periods exceeding a  
specified duration.

3. Except at the express request of the persons con-  
cerned, recruited workers shall not be separated from wives  
and minor children who have been authorised to accompany  
them to, and to remain with them at the place of employ-  
ment.

4. In default of agreement to the contrary before the

特殊ノ労働者募集制度ノ規律ニ關スル條約

一五五二

約ナキ限り労働者ト同行スルコトノ許容ハ其ノ勞務ノ全期間中右労働者ト共ニ留ルコトノ許容ト看做サルベキモノトス

第八條

權限アル權力ハ、被募集労働者ヲシテ適當ナル人種的條件ノ下ニ勞務地ニ於テ集團セシムルコトヲ募集ノ許可條件ト爲スノ政策ノ採用ヲ實行可能ナラシメ且望マシカラシムル事情アル場合ニ於テハ右ノ許可條件ヲ附スルコトヲ得

第九條

公ノ職員ハ直接タルト間接タルトヲ問ハズ私ノ企業ノ爲ニ募集ノ行爲ヲ爲スベカラザルモノトス但シ公ノ權力ノ爲私ノ企業が受託者トシテ遂行スル公益事業ニ被募集労働者ガ使用セラルベキ場合ニハ此ノ限ニ在ラズ

第十條

首長又ハ他ノ土民權力ハ左記ヲ爲サザルベキモノトス  
(イ) 募集代理人トシテ行動スルコト  
(ロ) 募集セラルルコトアルベキ者ニ壓迫ヲ加フルコト

首長又ハ他ノ土民  
の權力ヲ行使ス  
る動機に對スル  
制限

私企業  
のため  
の募集  
の禁止

労働地  
における  
労働者  
の種  
的集團

departure of the worker from the place of recruiting, an authorisation to accompany a worker shall be deemed to be an authorisation to remain with him for the full duration of his term of service.

Article 8

Where the circumstances make the adoption of such a policy practicable and desirable, the competent authority may make it a condition of permitting recruiting that the recruited workers shall be grouped at the place of employment under suitable ethnical conditions.

Article 9

Public officers shall not recruit for private undertakings either directly or indirectly, except when the recruited workers are to be employed on works of public utility for the execution of which private undertakings are acting as contractors for a public authority.

Article 10

Chiefs or other indigenous authorities shall not:

- (a) act as recruiting agents;
- (b) exercise pressure upon possible recruits; or

(条二〇・文化、社会三)

(ハ) 募集ノ援助ニ對シ出所ノ如何ヲ問ハズ特別ノ報酬  
又ハ他ノ特別ノ利益ヲ受クルコト

第十一條

如何ナル者モ又如何ナル團體モ右ノ者又ハ團體ガ權限  
アル權力ニ依リ許可セラレ且行政廳ノ爲又ハ一若ハ二  
以上ノ特定ノ使用者若ハ使用者團體ノ爲勞働者ヲ募集  
スル場合ヲ除クノ外職業的募集ニ從事スルコトヲ得ザ  
ルモノトス

第十二條

使用者、使用者ノ代理人、使用者團體、使用者ニ依リ  
補助セラルル團體竝ニ使用者團體及使用者ニ依リ補助  
セラルル團體ノ代理人ハ權限アル權力ニ依リ許可セラ  
ル場合ニ限り募集ニ從事スルコトヲ得

第十三條

一 募集許可證ヲ發給スルニ先チ權限アル權力ハ左記  
ヲ爲スベシ  
(イ) 許可申請者が個人ナルトキハ適當ノ者タルコト  
ヲ確ムルコト

特殊ノ勞働者募集制度ノ規律ニ關スル條約

(c) receive from any source whatsoever any special  
remuneration or other special inducement for  
assistance in recruiting.

Article 11

No person or association shall engage in professional  
recruiting unless the said person or association has been  
licensed by the competent authority and is recruiting work-  
ers for a public department or for one or more specific  
employers or organisations of employers.

Article 12

Employers, employers' agents, organisations of employ-  
ers, organisations subsidised by employers, and the agents  
of organisations of employers and of organisations subsidised  
by employers, shall only engage in recruiting if licensed by  
the competent authority.

Article 13

1. Before issuing any licence for recruiting the com-  
petent authority shall:  
(a) satisfy itself that the applicant for a licence, if  
an individual, is a fit and proper person;

募集許可  
證の發給  
条件

使用者側  
による募  
集の許可

職業的募  
集の許可



(ロ) 許可申請者が使用者團體又ハ使用者ニ依リ補助セラルル團體タル場合ヲ除クノ外右申請者ニ對シ被許可人トシテノ適正ナル行動ニ對スル金錢上又ハ他ノ保證ヲ提供スルコトヲ要求スルコト

(ハ) 許可申請者が使用者タルトキハ支拂ハルベキ賃銀ノ支拂ニ付金錢上又ハ他ノ保證ヲ提供スルコトヲ之ニ要求スルコト

(ニ) 募集セラルベキ労働者ノ健康及福利ヲ確保スル爲充分ナル措置ガ執ラレタルコトヲ確ムルコト

二 被許可人ハ一切ノ募集行爲ノ適法ナルコトヲ立證シ且各被募集労働者ノ身元ヲ證明シ得ベキ記録ヲ權限アル權力ガ定ムル様式ニ從ヒ作成保存スベシ

三 被許可人ニシテ他ノ被許可人ノ代理人タルモノハ能フ限り固定給ヲ受クベク且被募集労働者ノ頭數ニ依ル率ヲ以テ計算セラルル報酬ヲ受クル如何ナル場合ニ於テモ右報酬ハ權限アル權力ノ定ムル最大限度ヲ超エザルベキモノトス

四 許可證ノ效力ハ權限アル權力ニ依リ定メラルベキ一年ヲ超エザル一定期間ニ制限セラルベキモノトス

(b) require the applicant for a licence, except when the said applicant is an employers' organisation or an organisation subsidised by employers, to furnish financial or other security for proper conduct as a licensee;

(c) require the applicant for a licence, if an employer, to furnish financial or other security for the payment of wages due; and

(d) satisfy itself that adequate provision has been made for safeguarding the health and welfare of the workers to be recruited.

2. Licensees shall keep, in such form as the competent authority may prescribe, records from which the regularity of every recruiting operation can be verified and every recruited worker can be identified.

3. A licensee who is the agent of another licensee shall wherever possible receive a fixed salary, and in any case in which he receives remuneration calculated at a rate per head of workers recruited such remuneration shall not exceed a maximum to be prescribed by the competent authority.

4. The validity of licences shall be limited to a fixed period not exceeding one year to be prescribed by the com-

petent authority.

5. The renewal of licences shall be conditional upon the manner in which the licensee has respected the conditions subject to which the licence was issued.

6. The competent authority shall be entitled:

- (a) to withdraw any licence if the licensee has been guilty of any offence or misconduct unfitting him to conduct recruiting operations; and
- (b) to suspend any licence pending the result of any enquiry into the conduct of the licensee.

Article 14

1. No person shall assist a licensee in a subordinate capacity in the actual recruiting operations unless he has been approved by a public officer and has been furnished with a permit by the licensee.

2. Licensees shall be responsible for the proper conduct of such assistants.

Article 15

1. Where the circumstances make the adoption of such a policy necessary or desirable, the competent authority may exempt from the obligation to hold a licence worker-

五 許可證ノ更新ハ被許可人ノ許可證發給條件ノ遵守振ヲ條件トセラルベキモノトス

六 權限アル權力ハ左ノ權限ヲ有スベキモノトス

(イ) 被許可人ガ募集行為ヲ行フニ適セザル犯罪又ハ非行ヲ犯シタルトキ許可ヲ取消スコト

(ロ) 被許可人ノ行動ニ付テノ調査ノ結果ノ判明スル迄許可ヲ停止スルコト

第十四條

一 何人ト雖モ現實ノ募集行為ニ付從屬的資格ニ於テ被許可人ヲ補佐セザルベキモノトス但シ右ノ者ガ公ノ職員ニ依リ承認セラレ且被許可人ニ依リ承認書ヲ付與セラレタル場合ニハ此ノ限ニ在ラズ

二 被許可人ハ右補佐人ノ行為ノ適正ナルコトニ付責ニ任ズベキモノトス

第十五條

一 權限アル權力ハ、労働者タル左記募集者ヲ許可證所持ノ義務ヨリ免除スルノ政策ノ採用ヲ必要ナラシメ又ハ望マシカラシムル事情アル場合ニ於テハ右ノ

特殊ノ労働者募集制度ノ規律ニ關スル條約

被許可人  
の補佐

労働者た  
る募集者

免除ヲ爲スコトヲ得

- (イ) 労働者トシテ自己が使用セラルル企業ノ爲ニ他ノ労働者ヲ募集シ
- (ロ) 使用者ニ依リ他ノ労働者ヲ募集スルコトヲ書面ヲ以テ正式ニ委託セラレ且
- (ハ) 募集ニ對シ報酬又ハ他ノ利益ヲ受クルニ非ザル者

二 労働者タル募集者ハ被募集者ニ對シ賃銀ノ前貸ヲ爲サザルベキモノトス

三 労働者タル募集者ハ權限アル權力ニ依リ定メラルベキ地域内ニ於テノミ募集行爲ヲ爲スコトヲ得

四 労働者タル募集者ノ行爲ハ權限アル權力ニ依リ定メラルベキ方法ニ於テ監督セラルベキモノトス

#### 第十六條

一 被募集労働者ハ公ノ職員ノ前ニ出頭セシメラルベク右職員ハ募集ニ關スル法令及規則ガ遵守セラレタルコト及殊ニ労働者ガ不法ナル壓迫ヲ受ケ又ハ詐僞若ハ錯誤ニ依リ募集セラレタルニ非ザルコトヲ確ムベシ

二 被募集労働者ハ募集地ニ便利ナル能フ限り近クノ公ノ職員ノ前ニ又ハ異レル行政廳ノ下ニ在ル地域ニ

recruiters who:

- (a) are employed as workers by the undertaking for which they recruit other workers;
- (b) are formally commissioned in writing by the employer to recruit other workers; and
- (c) do not receive any remuneration or other advantage for recruiting.

2. Worker-recruiters shall not make advances of wages to recruits.

3. Worker-recruiters may recruit only within an area to be prescribed by the competent authority.

4. The operations of worker-recruiters shall be supervised in a manner to be prescribed by the competent authority.

#### Article 16

1. Recruited workers shall be brought before a public officer, who shall satisfy himself that the law and regulations concerning recruiting have been observed and, in particular, that the workers have not been subjected to illegal pressure or recruited by misrepresentation or mistake.

2. Recruited workers shall be brought before such an officer as near as may be convenient to the place of recruit-

ing or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory of recruiting.

Article 17

Where the circumstances make the adoption of such a provision practicable and necessary, the competent authority shall require the issue to each recruited worker who is not engaged at or near the place of recruiting of a document in writing such as a memorandum of information, a work book or a provisional contract containing such particulars as the authority may prescribe, as for example particulars of the identity of the workers, the prospective conditions of employment, and any advances of wages made to the workers.

Article 18

1. Every recruited worker shall be medically examined.
2. Where the worker has been recruited for employment at a distance from the place of recruiting or has been recruited in one territory for employment in a territory

於ケル勞務ノ爲一地域ニ於テ募集セラルル勞働者ニ付テハ遅クトモ募集地域ヲ離ルル地ニ於ケル公ノ職員ノ前ニ出頭セシメラレベキモノトス

第十七條

權限アル權力ハ、募集地又ハ其ノ附近ニ於テ雇入レラルルニ非ザル各被募集勞働者ニ對スル當該權力ノ定ムベキ事項(例ヘバ勞働者ノ身元、將來ノ雇傭條件及勞働者ニ爲サルベキ賃銀ノ前貸ニ付テノ事項)ヲ包含セル採用證書、勞働手帳又ハ假契約書ノ如キ書類ノ發行ヲ要求スルノ措置ノ採用ヲ實行可能且必要ナラシムル事情アル場合ニ於テハ右ノ要求ヲ爲スベシ

募集地外  
雇入勞働  
者に對す  
る書類の  
發行

第十八條

- 一 一切ノ被募集勞働者ハ醫學的檢査ヲ受クベキモノトス
- 二 勞働者ガ募集地ヨリ距離隔レル地ニ於ケル勞務ノ爲募集セラレ又ハ異レル行政廳ノ下ニ在ル地域ニ於ケル勞務ノ爲一地域ニ於テ募集セラレタル場合ニ

被募集勞  
働者の医  
学的檢査

特殊ノ勞働者募集制度ノ規律ニ關スル條約

ハ、醫學的検査ハ募集地ニ便利ナル能フ限り近クノ場所ニ於テ又ハ異レル行政廳ノ下ニ在ル地域ニ於ケル勞務ノ爲一地域ニ於テ募集セラルル勞働者ニ付テハ遅クトモ募集ノ地域ヲ離ルル場所ニ於テ行ハルベキモノトス

三 權限アル權力ハ公ノ職員ニシテ其ノ前ニ勞働者ガ第十六條ニ從ヒ出頭セシメラレタルモノニ對シ、右ノ職員ガ左記ヲ確認スルトキハ醫學的検査ニ先チ右勞働者ガ出發スルコトヲ許容スルノ權限ヲ付與スルコトヲ得

- (イ) 勞働者ニ付募集地ノ附近又ハ出發地ニ於テ醫學的検査ヲ行フコトノ不可能ナリシコト及不可能ナルコト
- (ロ) 勞働者ガ旅行及將來ノ勞務ニ適スルコト及
- (ハ) 勞働者ガ勞務地ニ到著ノ際又ハ其ノ後能フ限り速ニ醫學的検査ヲ受クルコト

四 權限アル權力ハ特ニ被募集勞働者ノ旅行ガ其ノ健康ヲ害スルノ虞アルガ如キ期間及狀態ニ於テ行ハルモノナルトキハ出發前及勞務地到著後右被募集勞働者ガ醫學的検査ヲ受ケシメラルベキコトヲ要求ス

under a different administration the medical examination shall take place as near as may be convenient to the place of recruiting or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory of recruiting.

3. The competent authority may empower public officers before whom workers are brought in pursuance of Article 16 to authorise the departure prior to medical examination of workers in whose case they are satisfied:

- (a) that it was and is impossible for the medical examination to take place near to the place of recruiting or at the place of departure;
- (b) that the worker is fit for the journey and the prospective employment; and
- (c) that the worker will be medically examined on arrival at the place of employment or as soon as possible thereafter.

4. The competent authority may, particularly when the journey of the recruited workers is of such duration and takes place under such conditions that the health of the workers is likely to be affected, require recruited workers

ルコトヲ得

五 権限アル權力ハ被募集労働者ノ馴化及順應ノ爲竝ニ免疫ノ爲必要ナル一切ノ措置ガ執ラルベキコトヲ確保スベキモノトス

第十九條

被募集労働者  
の輸送

一 募集者又ハ使用者ハ可能ナル都度勞務地ヘノ被募集労働者ノ輸送ヲ爲スベキモノトス

二 権限アル權力ハ左記ヲ確保スル爲一切ノ必要ナル措置ヲ執ルベキモノトス

(イ) 労働者ノ輸送ニ使用セラルル船車ハ右輸送ニ適シ、良好ナル衛生状態ニ在リ且乗員過剰ト爲ラザルコト

(ロ) 夜間旅行ヲ停止スルコト必要ナルトキハ労働者ノ爲ニ適當ナル宿泊設備ヲ爲スコト

(ハ) 長距離旅行ニ付テハ労働者ノ醫療及福利ノ爲一切ノ必要ナル施設ヲ爲スコト

三 被募集労働者ガ勞務地迄徒歩ニテ長距離旅行ヲ爲

特殊ノ労働者募集制度ノ規律ニ關スル條約

to be examined both before departure and after arrival at the place of employment.

5. The competent authority shall ensure that all necessary measures are taken for the acclimatisation and adaptation of recruited workers and for their immunisation against disease.

Article 19

1. The recruiter or employer shall whenever possible provide transport to the place of employment for recruited workers.

2. The competent authority shall take all necessary measures to ensure:

(a) that the vehicles or vessels used for the transport of workers are suitable for such transport, are in good sanitary condition and are not overcrowded;

(b) that when it is necessary to break the journey for the night suitable accommodation is provided for the workers; and

(c) that in the case of long journeys all necessary arrangements are made for medical assistance and for the welfare of the workers.

3. When recruited workers have to make long journeys

スコトヲ要スルトキハ權限アル權力ハ左記ヲ確保スル爲一切ノ必要ナル措置ヲ執ルベキモノトス

(イ) 日日ノ旅程ガ労働者ノ健康及體力ノ保持ト兩立スルコト

(ロ) 労働ノ移動ノ程度ガ必要トスルトキハ休憩假舍又ハ休憩家屋ヲ主要通路ノ適當ノ個所ニ設ケテ適當ナル衛生的狀態ニ之ヲ保チ且必要ナル醫療施設ヲ之ニ具ヘシムルコト

四 被募集労働者ハ集團ヲ成シテ勞務地ニ長距離旅行ヲ爲スコトヲ要スルトキハ責任アル者ニ依リ護送セラルベキモノトス

第二十條

勞務地ヘ  
ノ旅行費  
用

一 被募集労働者ノ勞務地迄ノ旅費(旅行中其ノ保護ノ爲ニ生ズル一切ノ費用ヲ含ム)ハ募集者又ハ使用者ニ依リ負擔セラルベキモノトス

二 募集者又ハ使用者ハ被募集労働者ニ對シ勞務地ヘノ旅行中ノ其ノ福利ノ爲必要ナル一切ノ物(就中地方的事情ニ從ヒ適當且充分ナル食糧品、飲料水、燃料及炊事道具竝ニ被服及毛布ヲ含ム)ヲ供給スベキモ

on foot to the place of employment, the competent authority shall take all necessary measures to ensure:

(a) that the length of the daily journey is compatible with the maintenance of the health and strength of the workers; and

(b) that, where the extent of the movement of labour makes this necessary, rest camps or rest houses are provided at suitable points on main routes and are kept in proper sanitary condition and have the necessary facilities for medical attention.

4. When recruited workers have to make long journeys in groups to the place of employment, they shall be conveyed by a responsible person.

Article 20

1. The expenses of the journey of recruited workers to the place of employment, including all expenses incurred for their protection during the journey, shall be borne by the recruiter or employer.

2. The recruiter or employer shall furnish recruited workers with everything necessary for their welfare during the journey to the place of employment, including particularly, as local circumstances may require, adequate and suit-

ノトス

三 本條ハ其ノ適用ガ權限アル權力ニ依リ可能ナリト認メラルル限度ニ於テ勞働者タル募集者ニ依リ募集セラルル勞働者ニ之ヲ適用ス

## 第二十一條

被募集勞働者ノ送還

左記ノ被募集勞働者ハ募集者又ハ使用者ノ費用ヲ以テ送還セラルベキモノトス

- (イ) 勞務地ヘノ旅行中疾病又ハ災害ニ依リ勞働不能ト爲リタル者
- (ロ) 醫學的検査ニ依リ勞務ニ適セズト認メラレタル者
- (ハ) 自己ノ責ニ歸スベカラザル理由ニ依リ募集後雇入れラレザル者
- (ニ) 詐偽又ハ錯誤ニ依リ募集セラレタルモノト權限アル權力ニ依リ認メラレタル者

## 第二十二條

貸銀前貸の制限

權限アル權力ハ貸銀ノ前貸ニ關シ被募集勞働者ニ支拂ハルベキ額ヲ制限シ且右ノ前貸が爲サルベキ條件ヲ規

特殊ノ勞働者募集制度ノ規律ニ關スル條約

able supplies of food, drinking water, fuel and cooking utensils, clothing and blankets.

3. This Article applies to workers recruited by worker-recruiters only to the extent to which its application is considered possible by the competent authority.

## Article 21.

Any recruited worker who:

- (a) becomes incapacitated by sickness or accident during the journey to the place of employment;
  - (b) is found on medical examination to be unfit for employment;
  - (c) is not engaged after recruiting for a reason for which he is not responsible; or
  - (d) is found by the competent authority to have been recruited by misrepresentation or mistake;
- shall be repatriated at the expense of the recruiter or employer.

## Article 22

The competent authority shall limit the amount which may be paid to recruited workers in respect of advances of



律スベキモノトス

第二十三條

同行家族  
の旅行中  
の措置

被募集労働者ノ家族ガ勞務地迄労働者ト同行スルコトヲ許容セラレタル場合ニハ權限アル權力ハ旅行中其ノ健康及福利ヲ保護スル爲一切ノ必要ナル措置ヲ執ルベク就中

- (イ) 本條約第十九條及第二十條ハ右ノ家族ニ適用セラ  
ルベキモノトス
- (ロ) 労働者ガ第二十一條ニ依リ送還セラルトキハ其  
ノ家族モ亦送還セラルベキモノトス
- (ハ) 労働者ガ勞務地ヘノ旅行中死亡スルトキハ其ノ家  
族ハ送還セラルベキモノトス

第二十四條

管轄区域  
外ノ勞務  
に赴ク對  
労働者ニ  
對シテ確  
保スル

一 異レル行政廳ノ下ニ在ル地域ニ於ケル勞務ノ爲勞  
働者ノ募集ヲ許可スルニ先チ募集地域ノ權限アル權  
力ハ被募集労働者ガ該權力ノ管轄區域ヲ越エテ旅行  
スル場合ニ本條約ノ規定ニ從ヒ右労働者ヲ保護スル

wages and shall regulate the conditions under which such advances may be made.

Article 23

Where the families of recruited workers have been authorised to accompany the workers to the place of employment the competent authority shall take all necessary measures for safeguarding their health and welfare during the journey and more particularly:

- (a) Articles 19 and 20 of this Convention shall apply to such families;
- (b) in the event of the worker being repatriated in virtue of Article 21, his family shall also be repatriated; and
- (c) in the event of the death of the worker during the journey to the place of employment, his family shall be repatriated.

Article 24

1. Before permitting the recruiting of workers for employment in a territory under a different administration, the competent authority of the territory of recruiting shall satisfy itself that all necessary measures have been taken