

13. BERNE 1906: A CONVENTION PROHIBITING NIGHT WORK

Avant tout il faut aboutir à un résultat pratique. Ce qu'il y aurait de pis serait de rééditer la conférence de 1890.

Alexandre Millerand 1905

After its foundation in Paris in 1900 the well prepared private lobby organization for protective labor legislation grew. It was organized to spread protection internationally. For this purpose it established links to important persons and organizations in different countries. Its concrete purpose was to introduce national legislation via agreed upon international conventions. The organization had its official name in three languages: 'l'Association internationale pour la protection légale des travailleurs / the International Association for Labour Legislation / die Internationale Vereinigung für gesetzlichen Arbeiterschutz. It should report about its activities in three languages. It was built from the top down, initiating national basis organizations, as for example the International Council of Women was built up. Some already existing national groups were suggested to adhere and unite or asked to organize anew. The French national organization became prominent and active. From 1901 Stephan/Etienne Bauer was the director of the office in Basle/Bâle and also secretary of this new international organization.¹

The solemn opening of the International Office of Work / L'Office international du Travail, at Rebgasse 1, Klarahof took place at a founding meeting with delegates from attached countries in the end of May 1901. At the meeting the languages spoken were German and French; it stands to reason in Switzerland. National labor protection organizations from seven countries had

¹ The names: see letter-head 1905, Mapp: Denkschrift, Frauen, Nacharbeit, Pre-ILO 10 400 Genève; see also Périgord 1926: 65; Shotwell Vol 1 1934: 476; Congrès ... des Travailleurs, Paris 1900 II; S Bauer remained in office until 1926. As a private, mainly non-profit organization, it was functioning until after the Second World War. (see Archives at the Archives Unit of ILO, Genève); president was Heinrich Scherrer and vice president Théodore Curti. *L'Association internationale pour la protection légale des travailleurs...* 27 & 28 Septembre 1901:XII; Bauer published books etc about what the Basel-organization had achieved up until the foundation of the International Labour Organisation in 1919. See Bauer 1910, 1918, 1922; In the French section, founded 1901, the members were politically mixed: lawyers and academics as Cauwès, Jay and Pic, trade union representatives as Keufer and conservative Catholics as count de Mun. Stone 1985: 52.

sent representatives: Belgium, France, Italy, the Netherlands, Switzerland, Germany and Austria. Four of these represented also their governments: Arthur Fontaine from France, Albert Vischer from Italy, A S (Syb) Talma from the Netherlands and Dr Kaufmann from Switzerland. Representatives from Hungary and the USA did not attend, with short notice.²

The earlier agreement on a night work prohibition for women was confirmed. "The question of how night work for women, youth and children shall be forbidden must be dealt with immediately", as formulated by a leading member, the Belgian socialist and member of parliament, Hector Denis.³

The Office in Berne should function as a scientific institute. Its task was to publish summaries of protective laws, support research of such legislations, try to coordinate such laws internationally and put together statistics. Most of this was published by the International Association for Labor Legislation (IALL) as books, brochures, leaflets or in its journal *Bulletin de l'Office international du Travail*. Books considered interesting got reviews there. The Office should regularly prepare and summon international congresses, to spread proposals for legislation which via national legislation could be turned into national laws and implemented in practice. IALL also created contacts with the appropriate national ministries via its local organizations.⁴ The program was ambitious and was to have far reaching effects. Its structure was sound as well as its network of contacts.

The board of IALL was meant to be as international as possible. Its president was the Heinrich Scherrer and vice president Théodor Curti, both Swiss. Board members were among others the professors Paul Cauwès, Paris, Eugen von Philippovich, Wien, and Ernest Mahaim, Liège as well as the former

² The conference was held 27-28 May. 37 persons were present. Several had been at earlier worker protection congresses for example Hans von Berlepsch, Lujo Brentano, Max Hirsch and Wilhelm Sombart from Germany, professor Philippovich from Austria, prof. Hector Denis (absent ill 80), prof. Victor Brants and prof. Ernest Mahaim from Belgium, prof. Paul Cauwès (absent ill, p 6) and prof. Raoul Jay and Leon de Seilhac from France. The Hungarian delegation cancelled very late. p (8). Colonel Caroll D Wright, US Commissioner of Labour, could not come because of strikes in the steel industry.(p 6). *L'Association internationale pour la protection légale des travailleurs*. ... 27 & 28 Septembre 1901:VI-IX, 2ff, 38, 68; Rinman 1901:210; Francke 1901:758ff.

³ Hector Denis "La suppression du travail de nuit pour les femmes, les enfants, les adolescents, serait immédiatement abordée" "Die Frage der Beseitigung der Nachtarbeit für Frauen, Kinder und jugendliche Arbeiter wäre sofort in Angriff zu nehmen."; *L'Association internationale pour la protection légale des travailleurs*...27 & 28 Septembre 1901:70, 82ff, 96.

⁴ *L'Association internationale pour la protection légale des travailleurs*... 27 & 28 Septembre 1901: 26ff; "Arbeiterschutzgesetzgebung" *Handwörterbuch der Staatswissenschaften* Band 1, 1923:690; Rinman 1901:210.

German minister Hans von Berlepsch. Most of them had been active nationally for worker protection and knew each other from international congresses. Alexandre Millerand was an active participants in the yearly French meetings and during his years as a minister, a direct link into the French government.⁵

The International Association for Labor Legislation should make its lasting contribution through three conferences held in Bern in 1905, 1906 and 1913. The two first of these were connected and their result was the first international conventions ever to be launched dealing with worker protection. These two conventions were transferred into the International Labor Organization after the First World War and were valid during the whole of the 20th century.

The conferences formulated, discussed and decided on conventions, that later on were supposed to be ratified as national laws in countries belonging to IALL. The first conventions were about a night work prohibition for women and a prohibition to use white phosphorus and white lead. According to von Berlepsch, it was most convenient to start with these two, as many countries already had such legislations. The Bern Office did not expect any obstruction but from Belgium, a country with almost no worker protection of any kind for adults. These conventions were also chosen because a wish to support the interests of the organized workers and to cause minimal conflicts around these first international conventions.⁶

The preparatory work prior to the convention of the night work prohibition for women consisted of a study and an inquiry about the legislation in different countries and an evaluation of its consequences when implemented. They are accounted for in a book about women's night work in industry, *Le travail de nuit des femmes dans l'industrie. Rapport sur son importance et sa réglementation légale* with of foreword by the director of the Office professor Stephan/Etienne Bauer.⁷ The book emphasizes the need for a common international convention to keep women away from night work. It gives drastic details about women's

⁵ *L'Association internationale pour la protection légale des travailleurs...* 27 & 28 Septembre 1901:XII; Périgord 1926: 66ff; brev fr von Berlepsch, Shotwell Vol 1 1934: 477 Appendix 8.

⁶ *Le travail de nuit des femmes dans l'industrie*. 1903:X; Périgord 1926:70; letter fr von Berlepsch, Shotwell 1934 Vol 1: 476ff Appendix 8; Alcock 1971:11f.

⁷ The report was summarising a questionnaire sent out from IALL to its member countries. In the book many of the activists already mentioned, especially academics and also Factory Inspectors, took part with descriptions of the situation in their own country. In the book wrote, except those mentioned in the text, for example Ernest Mahaim, Belgium, Adna F Weber, New York State, Paul Pic, France, Dr Andor de Máday, Hungary, M Matsuzaki, Japan, A C Kiaër, Norway and some others. Bauer 1903a & 1903b.

work conditions in industry, but also in home industrial work and in small workshops. It deals with work places that were not of immediate importance for the planned convention.

The authors were either academics or employees at Factory Inspections, a state institution that was being introduced in most industrial countries. Also women wrote in the book; Miss Ilse von Arlt wrote on Austria, miss Isabelle Gatti de Gamond on small textile workshops in Brussels, Belgium, miss Annette Vedel on Denmark and miss Adelaide M Anderson on Great Britain. Vedel and Anderson were Factory Inspectors. Isabelle Gatti de Gamond, was a Belgian women's rights activist and the daughter of another such activist; she was socialist and impressed by Auguste Comte's scientific positivism. Her view on women was influenced by the modern sciences pointing to definite differences based on biology between man and woman. Her opinion was that women's characteristics should be of value in politics and society, but that men and women were best suited for different occupations and duties.⁸

None of the female authors mentioned any objections by others - women or men - to special legislation. Nor did any man. Max Hirsch wrote that there did not exist any longer an opposition to a prohibition of women's night work, neither in Germany nor in other larger countries as Austria, Great Britain and France.⁹ Still, there is a difference between the four women's contributions in comparison to the men's. Women wrote about waged work and its conditions; they dwelled upon low wages and bad working conditions. No one of them wrote in so many words about "moral" or that woman was needed at home as housewife and should keep the family together, which was reoccurring themes in the essays by the male co-authors.

All women had written essays of less than 10 pages except for von Arlt, who delivered almost 30 pages in a book of more than 380 pages. Arlt used also the word "moral" in her contribution, meaning by that decent, for example to be decently dressed. Women who worked at sugar-refineries in Germany were exempted from the night work prohibition. Arlt found their working conditions immoral because the premises were so hot, that workers wore as little as possible. Maybe she worried that such undressing excited sexually? The habit

⁸ On Gatti de Gamond, Wils 1999:416-439.

⁹ Bauer 1903a:41.

was only to hint at such presumptions. She also hinted that women's absence from the home was an invitation to immorality.¹⁰

Both Arlt and Gatti de Gamond noticed that the prohibition to work at night often was evaded; women brought the work home, because their pay was so low that every income was needed. Much of women's work was seasonal. Intermittently they had no work at all. Both Arlt and Gatti da Gamond were worried about the unregulated and statistically non-existent work in small work places. Arlt made a relatively positive evaluation of home industrial work; it could be more varied than work in a factory, because the worker could decide over her time. The danger was that the work hours often stretched late into the night and that middle-men took a large part of the income. Arlt and Gatti de Gamond both looked into the fashion trades, sewing of dresses and underwear with its many small workshops and also work in the laundries. Arlt also described work at glassworks, brickworks, printing houses and transports. Partly she used the recent, quite revealing, investigation on conditions of working women in Vienna.¹¹ Isabelle Gatti de Gamond made use of a smaller investigation of her own.

Ilse Arlt was sure that women were bodily less robust than men. But she pointed out that women often took works which men refused to do. This two facts, she put down almost side by side. Several times, she was very near to a direct comparison between works for men and for women and their different conditions. But Arlt never drew any open conclusion, despite that the conditions of women's work, were so much worse than men's. She concluded her presentation with summing up all the bad sides of night work, especially for women: they were easier contaminated with illnesses such as tuberculosis and necrosis, which she blamed on night work. Health insurances showed that women were ill more often than men. Arlt meant it had its ground in different work conditions; as a matter of fact, she asked for an investigation to see what consequences should be if men and women worked under the same conditions!¹² Her article could be interpreted as an analysis of the bad consequences of the gender division of labor, giving women the worst works with the lowest pay and

¹⁰ (Arlt's contribution pp 75-104) Bauer 1903a:78.

¹¹ Bauer 1903a:99ff an bibliografi.

¹² "... la chlorose..." Bauer 1903a:100.

the most negative effects on health. But she did not spell it out clearly, could not, wanted not, was not allowed or did she not even see it?

Arlt put the night work prohibition in question, because it was limited to larger industries. She saw that the worst exploitation of women was not the case in the larger factories but in small work places. She regarded women's duties at home as self-evident and deplored the married woman, who had to work outside her home, especially in the evenings. Night work was also not suitable for unmarried women. Summing up Arlt wanted the legislation for women to be better implemented and extended, when more and more married women left their homes for paid work. It harmed the family when "the housekeeper was absent".¹³ In this Arlt argued as socialist men. It might even be concluded that she was reluctant to waged work by married women. Contrary to many trade unionists she was fairly positive to home industrial work. Her detailed descriptions of the unequal gender division of labor was not usual in leftist circles. Arlt emphasized that conditions in the labor market made women more exploited. Her hope was that an extended night work prohibition should make their working life better.

Denmark had a night work prohibition for young women up to 18 years, none for adult women. Factory Inspector Annette Vedel took the facts in her report from official Danish statistics. They showed numbers of women, divided into young girls and married women, who worked in factories and workshops controlled by the Factory Inspection in the whole of Denmark. The statistics showed that only 127 women among them worked during the night; 36 of these only did so for a short period per year.¹⁴ The conclusions from the numbers might be that a night work prohibition was not necessary, as it only concerned a small number of women. Again, the conclusion was not spelled out by the author but is clear from reading her report. Denmark was one of the countries in which a night work prohibition for women was never to be accepted. This can be guessed from the way Vedel handled the topic, via strict statistics. She did not mention work places that were not reached by the Factory Inspection and outside of statistics. She used numbers to avoid evaluations.

As the Danish Factory Inspector did, the English Adelaide M Anderson presented her opinion mainly via tables. Hers were of married and unmarried

¹³ "... l'absence de la ménagère". Bauer 1903a:104.

¹⁴ With six tables, Bauer 1903a:186ff.

women's waged work, in home industrial work and in factories. In Great Britain women were not allowed to work at night, with exceptions for laundries including ironing. Such work was done at factories sewing shirts and underwear or done in independent work places. Even if permitted, night work was not frequent in any of them.

Contributions by men were dominating the book. They also gave detailed empirical descriptions of the conditions women had to work under. Many of them added long comments on moral and family. Max Hirsch was an academic, representing a German trade union. His views had been expressed during the international congress of worker protection in Paris in 1900. There he had made it clear, that he was against a night work prohibition extended to men, even if agreeing that such work was not healthy. He thought night work for women should remain forbidden and be extended. It had to be spread internationally. Hirsch wanted all exemptions to be abolished and the legislation extended to laundries, tailor's shops and all other fashion- and sewing trades. He explained his motives in more than 20 pages, dealing with health, intellectual development, moral and economy. He reminded the reader of the fact that many socialist politicians, male workers, health experts as well as employers recently had agreed to that women, and especially married women, should not at all work in factories. He reminded of this even if he himself did not think so. He referred to research with horrible insights in working conditions for women. His view was that all bad conditions were made worse by night work but did not suggest any changes in the work places or their conditions.

According to Hirsch, both the moral and intellectual effects were devastating; night work meant irregular meals, often drinking of alcohol and generally a loose lifestyle. Because of this, women's night work was harmful to family life, and stable families were the foundation of a society and its moral. Men and women working together at night increased immorality. To Max Hirsch "moral" was not only about sexual relations; it was more than anything else about the family. A woman could not at the same time work in a factory and see to "her duties as a housekeeper and as a mother educating her children". Not to do so was immoral. Factory work made a woman either uninterested in her family duties or too tired to do them well. When the home was neglected, the husband went out to coffee-houses - an old standard argument - instead of being at home with his family. Hirsch thought that "the family as an idea ... was

the source of the moral of a people".¹⁵ Children suffered most if the mother worked. The older siblings had to take care of younger ones, or friends might look after them or they were left alone during the day.

Worse was the intellectual damage which night work caused women themselves. Working women could not attend evening schools or continue their education as working class men could. Women continued to "vegetate in their ignorance"¹⁶ despite great developments in society. To Hirsch, as a spokes-man for the working class, women's ignorance was a problem because they remained more conservative than their men. He did not see any connection between his own view on the holiness of the family life and women's tendency not to turn to society, a connection Clara Zetkin had pointed out as long as she defended women's right to waged work. Hirsch explained men's political activities with their bodily strength. Men were stronger than women and thus they could integrate their experiences of night work into their intellectual development. The contrary was the case with women; through night work they got no time left for political activities or unionizing. Summing up the damages of night work, he stressed the vices it opened up for women: addiction to alcohol and an excess of sexuality, as well as neglect of moral and intellectual development. This damaged not only individuals; the whole nation suffered economically by illnesses and too early deaths. For him night work prohibition for women became a solution.

A hindsight summary of his arguments are pointing in two directions: either to a night work prohibition for everybody or a total prohibition for married women with children to work for waged outside of their homes. It also poses questions. If alcohol addiction was a consequence of night work, why was it not dangerous for men? As a low key threat Hirsch had mentioned the prevalent idea of forbidding married women to work out of their homes, but without supporting it. His concrete suggestion was not drastic: he only wanted that exemptions, allowing women to work at night, should be withdrawn. The legislation should be expanded to textile trades not yet included and include home industrial work as well.¹⁷

¹⁵ ." ...car la constitution morale d'un peuple peut résister à beaucoup de causes de ruine, sauf à l'épuisement de l'idée de famille, cette source de la vie morale du peuple." (35)."... ses devoirs de ménagère, de mère et d'éducatrice"(32), Bauer 1903a: 19-74.

¹⁶ "...végéter, la plupart, dans l'ignorance..." Bauer 1903a: 19-74. Quote 36f.

¹⁷ Bauer 1903a: 19-74.

Other men, writing in the book, were known for their struggle to introduce and spread a night work prohibition for women, such as professor Paul Pic, professor Louis Varlez and professor Ernest Mahaim. Their arguments were variations of the arguments of Hirsch's and will not be repeated. All were dressed up in scientific terms and concepts. They were all positive to a special treatment of women in the labor market. The book was propaganda for that opinion.

In 1903, when the book was published, a night work prohibition for women was already introduced in many countries. Such a legislation was since long valid in the two forerunners Switzerland and England, but later also introduced in France, the Netherlands, New Zealand, Russia, Germany and Austria. It was also law in some states in the USA: New York, New Jersey, Ohio, Ontario, Indiana and Nebraska; in Australia in Queensland and Victoria. A decision was taken for Italy where it should begin in 1907, all according to the facts gathered by the International Association for Labor Legislation in Basel.

Criticism had been raised against the legislation, in France and in other countries, during the 1890s by feminists, often and publicly. It was formulated also in 1900 at international congresses in Paris.¹⁸ The attempt to expose a legislation seen as against equality, made no impression on those who wanted it spread internationally. Did they chose to ignore it, rather than argue against it?

Preparing the first congress of the new association, the Office sent out two memoranda: one on night work for women and one on phosphorus. They were addressed to governments in chosen countries. Later they were reprinted in a new edition for a wider audience.¹⁹ The main reasons for a special night work prohibition were: a woman should have long enough rest at night to recuperate her work capacity, be able to meet her duties at home and to keep up her moral standard. According to the memo a prohibition spared women of something unspeakable, maybe sexual relations outside of marriage of different kinds? It

¹⁸ Bauer 1903a:VIII; Hagemann 1995, Karlsson 1995, Ravn 1995 and this book.

¹⁹ These memoranda were sent to 46 governments. Every memo was first printed in 70 copies in German, English and French. In Europe they were sent to the governments in Germany, Austria, Belgium, Denmark, Spain, France, Great Britain, Greece, Hungary, Italy, Luxemburg, Monaco, Norway, the Netherlands, Portugal, Roumania, Russia, Sweden, Serbia, Switzerland and the State of Vatican. One was sent to Africa, to Cape Town. Nine states in the USA got each a letter. Argentina, Brazil, Chile and Canada got letters. In Asia only China and Japan. Five states in Australia got letters and also New Zealand. *Deux mémoires présentés aux gouvernements des états industriels en vue de la convocation d'une conférence internationale de protection ouvrière*. 1905; *Mémoire explicatif sur les bases d'une interdiction internationale du travail de nuit des femmes*, 1904. Pre-ILO, The Archives Unit of ILO.

seemed impossible to write explicitly about it but night work prohibition should anyhow put an end to this, added to all the good things it would bring to the family:

... a long enough time to restore her working capacity and allow her to manage her family responsibilities, would certainly, as a consequence also suppress the terrible misuses which are so disturbing for those who want to prohibit night work.²⁰

The formulation is vague. The part about "the terrible misuses" could mean what others in debates hinted at as sexual harassment and sexual exploitation of women by men, when working nights. The paradox is that men legislated to protect women against men's inappropriate acts, which in turn gave men alone certain night works, often better remunerated than work during the day.

The formulation could also be interpreted as meaning that women could take the opportunity when working at night, to satisfy their own sexual urges, which women were supposed not to have or at least not to give in to. It might be read as if women's ability to control sexual urges was too weak to follow the norms of society. That women, and especially married but also unmarried women, wanted sexual relations was considered immoral in quite another way than when men wanted it.

As obvious in earlier debates, in which both men and women worried about women's morality, a certain nervousness was felt that women should take the opportunity to earn some extra money selling sex on the way to or from their night work. In whatever way to understand this worry, all did agree that such occurrences could be avoided by a night work prohibition and that was good. Women's working hours had to be regulated stricter than men's. Maybe the very essence of the problem was not the hours but a wish to control women's sexuality and the problem with the propagation of prostitution? That was a "problem" between men and women; through a night work prohibition it was solved by segregation and at the sacrifice of women's freedom to move around and decide themselves. It was a mock solution. Evidently the morality of women was a large part of the arguments for a night work prohibition for women only. It

²⁰ "...une durée suffisante pour réparer les forces de l'ouvrière et lui permettre d'accomplir sa mission familiale, assurerait sûrement, par voie de conséquence, la suppression des abus dont se plaignent les partisans de la suppression du travail de nuit." *Mémoire explicatif sur ... travail de nuit des femmes*. 1904:6. Pre-ILO, The Archives Unit of ILO.

is clear both from the memorandum to governments and the propaganda book about night work for women.

In the preliminary drafts to the night work convention, the home duties of married women were emphasized. In a draft without a date it says that a woman should not work at night to "give the young female workers free time necessary for intellectual stimulation and for recreation and the married workers enough free time for home duties and care of children's health and education".²¹ Women should fill their so called "free time" with sensible activities. That married women worked in their home during their "free time" was not seen as a paradox. It was a matter of course. That was the norm that society should make it easier for them fulfill. Through the different suggestions of activities, the norms for married women were explicit: no intellectual stimulation or recreation was to be expected.

Another heavy motive for an internationalization of worker protection was, as mentioned before, that if all nations implemented the legislation, the competition worldwide should be fair.²² If all obeyed the same labor legislation, it would not be possible to use cheaper female workers.

Preparing the congress, the Office tried scientifically to list all arguments "for" and "against" a night work prohibition for women. As a matter of fact, it became a list of "againsts" followed by correcting "buts". *Against*: in southern countries it is nicer to work at night. During the day it might be very hot. *But*: in a near future factories will be changed so that this would no longer be the case. *Against*: in regions with little water a night shift was necessary during rain periods. *But*: then men could work the night shift. *Against*: in dressmaking and fashion trades, seasonal swings made night work necessary. *But*: more female workers could be hired to work day time during seasons. *Against*: a night work prohibition should lead to more home industrial work. *But*: if so, regulations should be extended to waged work done at home. In similarly simplistic ways were objections rejected concerning handling of food such as groceries or fish.²³

²¹ "...de procurer aux jeunes ouvrières le loisir nécessaire à leur propre développement intellectuel et à leur délasserement, ainsi qu'aux ouvrières mariées le loisir nécessaire à l'accomplissement de leurs devoirs domestiques et aux soins que réclament la santé et l'éducation de leurs enfants ..." from "Projet d'une base de discussion" Mapp: Vorarbeiten zur Arbeiterschutzkonferenz 1905/06, 10 400, Pre- ILO, The Archives Unit of ILO.

²² "EXPOSÉ DES MOTIFS" Mapp: Vorarbeiten zur Arbeiterschutzkonferenz 1905/06, 10 400, Pre-ILO, The Archives Unit of ILO.

²³ "Résumé des arguments invoqués pour et contre le travail de nuit des femmes" or "Kurze Uebersicht der für und gegen die Nachtarbeit der Frauen vorgebrachten Argument". These memos are from a meeting in Köln

At these discussions, individual freedom was never mentioned, which could have led to the question of equality. After the Berlin conference in 1890, that topic was not relevant any more. The views of Jules Simon that a woman was part of the family had been accepted. Adult women as individuals was not on the agenda. Woman as part of and responsible for family and children was not questionable. Thus a woman's moral was important not only for her family but for the whole society. To make competition equal and fair, all countries should adhere to the same restrictions.

It was as if women's criticism at public congresses, in journals and in other fora for years and years had not ever occurred. It was met with silence. It was not even worthy of being on the list of "againsts" and was not answered by a "but".

The Bern convention

The International Association for Labor Legislation had its success and break-through when its suggested international conventions was accepted by several delegates from European states at a congress in Bern in 1906. The congress had a semi official character and accepted the proposals in an almost total unity. As mentioned, the congress dealt with two prohibitions, one against the use of phosphorus (used to make matches and causing the dreaded and horrible illness, necroses) and one against women working at night in factories with more than ten workers employed. The night work prohibition was considered the most important.

The government of the Swiss federation supported the IALL's ambition to internationalize labor legislation. It helped by inviting participants to the conferences, which were lifted up to the level of activities between states. It was also to the Swiss government that the invited should respond and give their reports.

A preparatory, so called technical, conference was first summoned to Bern in 1905. Participants, most of them experts of law, came from fifteen countries, among them Denmark, Belgium, Italy, France, Greece, Portugal, Rumania, Serbia, Spain, Great Britain and Germany, thus from countries both with and

without prohibition of night work for women. Japan was not sending a participant. The USA was not taking part,²⁴ and not Finland, Norway or Sweden.

In an account of the technical conference, Alexandre Millerand admitted that the two questions on the program were chosen by recommendations by the French section. A program with only two questions looked modest. The calculation behind was that it would facilitate a result. Millerand feared a repetition of the Berlin conference, that left only recommendations. The French delegation was the only one with a representative from the worker's movement. Present was the typographer Auguste Keufer,²⁵ who at other earlier congresses eagerly had defended a night work prohibition for women.

Millerand lifted up the question of night work. That question was "in every way the most important, the most serious, bringing up both questions of principle and interest".²⁶ Alas he did not explained more in detail those important aspects, but probably they were about woman, as part of a family, and about her role for the well-being of the nation, as mother to real or future children. As implied was certainly also the question of moral. Women were seen as special, not equal, as workers.

This conference was preparing the next. The technicality concerned the correct juridical terminology. The participants formulated a proposal, which should give women 11 hours of uninterrupted rest at night. Also the use of white phosphorus was to be forbidden.²⁷

The final details were left to the later diplomatic conference, at which the negotiations were to be finished. Fifteen states had sent representatives to the top-level talks, beginning the 17th of September 1906. This time even the three Nordic countries, Denmark, Norway and Sweden²⁸, sent delegates. Finland did not send any delegate as the country this year had important political problems at home, being a part of tsarist Russia as a government. In the course of this year Finland got a new constitution with suffrage for both men and women, as the first country in Europe. To Berne came diplomats from Belgium, France, Italy, Luxemburg, the Netherlands, Portugal, Switzerland, Spain, Great Britain,

²⁴ Fontaine 1920: 175ff and Solano 1920 Appendix II: 291f; Millerand 1907:51ff.

²⁵ Millerand 1907:54.

²⁶ "... qui était de beaucoup la plus importante, la plus grave, qui mettait en jeu le plus de principes et d'intérêts ..." (61) Millerand 1907: 55f, 61, 71.

²⁷ Alcock 1971:12; Millerand 1907:51ff.

²⁸ Sweden sent Baron Alfred Lagerheim, a former Minister of Foreign Affairs

Germany, Hungary and Austria. Together they should try to unite around the first international conventions to protect workers.²⁹

The main content was not questioned. Discussions were about details. Discussed were such things as time table for introducing the legislation and conditions for exemptions. Most controversies aroused around white phosphorus. That convention was not getting the preliminary acceptance of several states. The night work prohibition, on the contrary, was easy for all to accept. Disputes were only about the length of the continuous night rest: 10, 11 or 12 consecutive hours and also during what period of the night it should be compulsory.³⁰

The final result was that night work should be prohibited for all women, disregarding age, working in factories with more than 10 employees. Eleven consecutive hours of rest should a woman have, and she was never allowed to work between 10 o'clock in the evening and 5 o'clock in the morning. Some industries did not have to follow the regulation immediately. The exemptions were enumerated; they could embrace accidents, or food that had to be treated quickly. During 60 days per year, the night rest could be shortened to 10 hours, if work in the evening was necessary.

The convention was to be put up for discussion and maybe acceptance in the parliament of every country, which supported the convention. If accepted by a parliament it became a national law. Ratifications were to be reported back to the Federal Council of Switzerland, at the latest in the year of 1908. Denmark had at the beginning of the conference announced that the country was to make a revision of its Factory Acts in 1911 and got a prolongation until then. Sweden was not to ratify the prohibition in time.³¹ Contrary to most continental European countries (except Belgium), the Nordic countries had no special legislation for women worth mentioning. The so called Bern convention of 1906 was to be contested. Protests against it should be raised, in the Nordic countries. In other countries, where a night work prohibition for women had been introduced since quite a time, the criticism had almost stopped. This had been the case at a woman's congress held in Berlin in 1904, two years before the Bern convention.

²⁹ Printed protocol, "Conférence internationale pour la protection ouvrière" Mapp: Vorarbeiten zur Arbeiterschutzkonferenz 1905/06, 10 400, Pre-ILO, The Archives Unit of ILO, Genève.

³⁰ Printed protocol, "Conférence internationale pour la protection ouvrière" Mapp: Vorarbeiten zur Arbeiterschutzkonferenz 1905/06, 10 400, Pre-ILO, The Archives Unit of ILO, Genève.

³¹ *Bulletin de l'Office international du Travail* 1906; Karlsson 1995.